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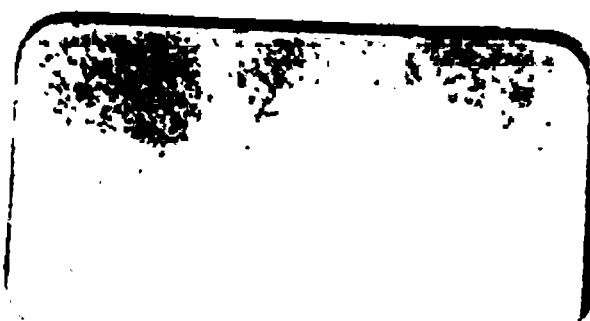
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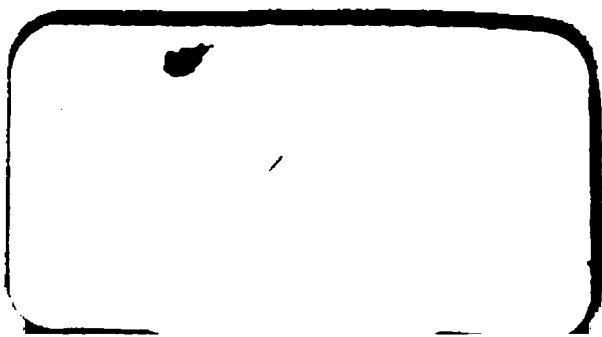
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REPORT

OF THE

THIRTY-SECOND ANNUAL MEETING

OF THE

American Bar Association

HELD AT

DETROIT, MICHIGAN

AUGUST 24, 25, 26 and 27, 1909

BALTIMORE:  
THE LORD BALTIMORE PRESS  
1909

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TRANSACTIONS  
OF THE  
THIRTY-SECOND ANNUAL MEETING  
OF THE  
**American Bar Association**  
HELD AT  
**DETROIT, MICHIGAN**

August 24, 25, 26, 27, 1909.

*Tuesday, August 24, 1909, 10 A. M.*

The Thirty-second Annual Meeting of the American Bar Association convened in the City Hall, Detroit, Michigan, on Tuesday, August 24, 1909, at 10 o'clock A. M., President Frederick W. Lehmann, of Missouri, in the Chair.

The President:

The Association will come to order. I take pleasure in introducing Mr. Samuel T. Douglas, President of the Detroit Bar Association.

Samuel T. Douglas, of Michigan:

Mr. President and gentlemen of the American Bar Association: It is my pleasant duty on behalf of the Michigan Bar Association to bid you a hearty welcome to the City of the Straits and the State of Michigan, and to express to you the extreme gratification felt not only by the members of the Bar, but by our citizens generally, that you have favored us by again selecting Detroit for your meeting.

It is now fourteen years since Detroit was honored by the assembling of this body. Those of us who were fortunate enough

to have participated in that gathering, remember the event with pleasure and pride. Pleasure in the privilege that was accorded us of coming into better fellowship with so many distinguished men of our profession from all parts of the union, and pride in the fact that that was the first time that Detroit had been favored by such a gathering.

For two hundred years and more this city, owing to its geographical situation, has obtained some note as a convention city, for here came for consultation the Indian Delawares, the Wyandottes, the Hurons, the Ottawas, the Foxes and Algonquins.

It is but a few years ago that gatherings of trades became so frequent that our enthusiastic local authorities decorated one of our public buildings with a perpetual and resplendent "welcome" sign, with a convenient space to add some word designating the particular guests for the day.

Taste and time have, however, obliterated this custom, and it is now our personal privilege to make this welcome more hearty and sincere, to make you at home with us, to give to each of you the warm grip of friendship that you may not regret again coming within our midst.

In no country of the world does the Bar wield a greater influence than in ours. To your noble profession do all classes turn, not only as the interpreters of their rights, but as the champions of justice.

It is but natural, therefore, that the deliberations of such a body as is here gathered should command the greatest respect and attention throughout the world, and your expressions are sure to make a deep impression, and have a lasting influence upon our national affairs.

Michigan is a large state. Its shores are washed by the Great Lakes, those beautiful inland seas which with their connecting rivers and inflowing streams represent about forty per cent of the fresh water of the globe. In the richness of its products, its educational facilities, its commerce and in its historical interest it occupies an enviable position.

It presents many favorite spots to the weary professional man,

and an abundance of interesting material to those of you who will extend your vacation within its borders, and I bespeak the sentiment of the many members of the Bar assembled here from throughout the state, that you will find a hearty welcome wherever our profession is represented, if you will but make yourselves known.

Being in a direct line of travel between the East and the great unknown West, the history of Michigan and Detroit is inseparably connected with Canada, with Quebec, with Ticonderoga and indeed with the entire Northwest.

We of Detroit are wont to believe that the daring Cadillac showed a remarkable foresight when landing with his followers in 1701 on the banks of this river, he characterized the village which he founded as "the open port on this continent through which the King might go in and out, and trade with his allies."

How well Detroit has fulfilled this prophecy will be apparent, if one will but for a time watch the life on our lakes and connecting rivers, for every year there passes a tonnage represented by grandly constructed ships, equal probably to that of any other port in the world.

It will be our pleasure to entertain you, I trust, by a boat ride, when you will then realize this fact.

Strangely enough, as one of our writers has said, our grand national air, America, represents in music the history of our city. It was the air that the soldiers of Cadillac sang, when in triumph they landed on these shores, and set up the standard of France, for it was the national air of their mother country, composed in honor of Louis XIV.

From France it was appropriated by the music-loving German, and by the great Händel adapted to become the national air of Great Britain, "God Save the King." So we today having adopted the air from our mother country, proclaim our patriotism through its beautiful notes. Thus this grand hymn represents the history of Detroit and Michigan, under the fleur-de-lis of France, the standard of St. George and our own stars and stripes.

Those of you who strolling through our streets care to look for them, will find still remaining some landmarks of this interesting past.

Our postoffice marks the spot of Fort Lernoult, where on July 11, 1796, the stars and stripes were first raised in this territory, as the symbol of the United States control.

The building on the southwest corner of Griswold Street and Jefferson Avenue, represents in concrete form the history of Detroit, for it marks the spot where Cadillac and his men landed, and on this very spot was the gateway through which Pontiac and his braves entered to find that his plot had been discovered.

Our old pear trees, still bearing delicious fruit, are the living evidence of the old French regime.

The laying out of our streets, the work of the governor and judges after the fire which destroyed the city in 1805, marks the rule of a form of government which for eleven years controlled the territory of Michigan, a form of government absolutely unique in the history of the federal union, the strongest and probably longest lived autocracy that ever existed on this continent.

Though it abounds with interest, I will not weary you with references to the history of the state and city. While we have absorbed much that has influenced our development, yet Michigan has given in return. If you will journey a few miles to the west, to the attractive city of Ann Arbor, you will find our State University, the pioneer of much of our present system of American education, an institution in which we in Michigan take the deepest pride, and whose sons, numbered by the thousands, have been a most potent force in the building up of the great West.

In such a community of such rugged growth, and under the influence of such an educational system, the lawyer must naturally be a prominent factor in its development, and I believe that all within my hearing will accord a high place to our judiciary, and the decisions of that immortal quartet of judges which so long constituted our Supreme Bench, Campbell, Cooley, Christiancy and Graves, will always be cited with respect throughout the English-speaking world.



It is, therefore, with peculiar pleasure that the Bar of this state and the citizens of this commonwealth extend their cordial welcome to such a body as the American Bar Association. The influence of your deliberations and your visit amongst us will, I assure you, be felt and appreciated, and if the result of your work will tend to make your laws and ours more harmonious and uniform, and thus make the family tie between us as sister states stronger and better, then indeed will we feel doubly honored by your visit.

We of the legal profession stand ready to devote ourselves to your happiness and welfare while you are in our midst. We thank you for giving us the pleasure of doing so.

The President:

Mr. Douglas and members of the Detroit Bar Association: We will show our appreciation of your hospitality by accepting it to the utmost. We thank you very much for your warm welcome, and we also thank you that the weather is not as warm as your welcome. All signs of your hospitality have not been eliminated. The Welcome sign upon the municipal building may be worn out, but the gentlemen who come here from way down East still find their welcome at the Penobscot Inn, the representatives of the German Provinces of the United States, Milwaukee, Cincinnati and St. Louis, hail with pleasure the sign of Alt Heidelberg, and the pelicans from Louisiana find shelter as by right under the roof of the Pontchartrain.

The President then delivered the President's Address.

*(See the Appendix, page 347.)*

New members were then elected.

*(See List of New Members, page 128.)*

The Secretary:

I have received the credentials of delegates from the following State Bar Associations:

*(See List of Delegates from State Bar Associations, page 124.)*

A recess of ten minutes was then taken for the purpose of allowing members from the respective states an opportunity to agree upon nominations for the General Council.

After the recess—

The President:

Mr. Gray, of the Detroit Bar, wishes to make an announcement.

Robert T. Gray, of Michigan:

On behalf of the Entertainment Committee of the Detroit Bar Association, I wish to say that arrangements have been made that all members and delegates may be admitted to the various clubs of the city. On account of the fact that the registry was not complete, it has not been possible for us to get cards of invitation into the hands of everybody. If there are any members of the Association who have not yet received their cards and desire the privileges of the Detroit Club, the Country Club or the Detroit Yacht Club, I would be glad, if advised, to hasten the delivery of cards to them.

This afternoon we propose to take you on a motor car ride to Belle Isle, starting from the Hotel Pontchartrain at four o'clock.

The entertainment on the boat tomorrow, and the reception at the Country Club on Thursday, are open to all the members of the State Bar, whether they are members of the American Bar Association or not.

Ladies are particularly invited to all the entertainments.

Members of the General Council were then elected.

*(See List of Officers at end of Minutes, page 158.)*

John Hinkley, of Maryland, the Secretary of the Association, read his report, which, on motion, was accepted and adopted.

*(See the Report at end of Minutes, page 94.)*

Frederick E. Wadhams, of New York, the Treasurer of the Association, read his report, and, on motion, the same was received and referred to the Auditing Committee.

*(See the Report at end of Minutes, page 96.)*

The President appointed the following committees:

**AUDITING TREASURER'S REPORT:**

John J. Hawkins.....Arizona.  
Thomas H. Reynolds.....Missouri.

**RECEPTION:**

Frank M. Higgins.....Maine.  
George W. Bates.....Michigan.  
Ralph W. Breckenridge.....Nebraska.  
William H. Burges.....Texas.  
Charles Noble Gregory.....Iowa.  
William L. January.....Michigan.  
Thomas J. Kernan.....Louisiana.  
P. W. Meldrim.....Georgia.  
Rodney A. Mercur.....Pennsylvania.  
John Morris .....Indiana.  
Charles N. Potter.....Wyoming.  
Talcott H. Russell.....Connecticut.  
Edward T. Sanford.....Tennessee.  
Charles Blood Smith.....Kansas.  
Theodore Sutro .....New York.  
George Whitelock .....Maryland.

**PUBLICATIONS:**

Francis B. James<sup>1</sup>.....Cincinnati, Ohio.  
James Barr Ames.....Cambridge, Mass.  
Charles Noble Gregory.....Iowa City, Iowa.  
William H. Staake.....Philadelphia, Pa.  
Edmund F. Trabue.....Louisville, Ky.

**DINNER:**

Frederick E. Wadhams.....Albany, N. Y.  
Charles Henry Butler.....Yonkers, N. Y.  
Walter George Smith.....Philadelphia, Pa.

The Secretary read the report of the Executive Committee.

*(See the Report at end of Minutes, page 108.)*

<sup>1</sup> Francis B. James declined this appointment to accept the Chairmanship of the Committee on Commercial Law, and Francis Rawle, of Philadelphia, Pa., was appointed Chairman of the Committee on Publications in his place.

John C. Richberg, of Illinois:

I desire to suggest after the word "territory" in Article XI of the Constitution, the insertion of the words "insular possession," and I move the reference of the amendment to the Executive Committee.

There being no objection, it was so ordered by the President, and the report of the Executive Committee was received and placed on file.

A recess was taken until 8 P. M.

#### EVENING SESSION.

*Tuesday, August 24, 1909, 8 P. M.*

The President called the meeting to order.

New members were then elected.

*(See List of New Members, page 128.)*

The Secretary announced that the General Council had organized at the close of the morning session, and elected Henry D. Estabrook, of New York, Chairman.

The President:

It is now my privilege and pleasure to introduce to you a distinguished advocate of France, M. Georges Barbey, of Paris, who will address you on the subject of French Family Law.

Georges Barbey then read his paper.

*(See the Appendix, page 431.)*

The President:

I am sure I voice the sentiments of all present when I say that we have been very greatly interested in the learned disquisition to which we have just listened.

When I was young the subject of incorrigible children was quite active, and sometimes it was suggested that I was within that category. When I grew up they began to talk about incorrigible parents, and I have sometimes thought that I was within that category. We have recently instituted in our larger cities, courts whose duty it is to determine in particular cases whether

it is the child or the parent who is incorrigible, and who are dealing with children now in the view that they are not necessarily always as bad as they are painted.

It gives me pleasure to introduce to you now Judge Mack, of Chicago, who will address the Association upon the subject of Juvenile Courts.

Julian W. Mack, of Illinois, then read his paper.

*(See the Appendix, page 449.)*

The Association then adjourned until Wednesday, August 25, 1909, at 10 A. M.

#### SECOND DAY.

*Wednesday, August 25, 1909, 10 A. M.*

The President called the meeting to order.

The President:

I have a telegram addressed to me as President.

"Regretting inability to attend meeting, I send greetings to all the members and extend congratulations on the great good accomplished by the Association.

CHARLES F. MANDERSON."

Also the following telegram:

"Greetings to the Association. Would greatly appreciate permission to dedicate the forthcoming edition of *Municipal Corporations*, now in press, to the Association.

JOHN F. DILLON."

P. W. Meldrim, of Georgia:

In regard to the telegram from Judge Dillon, it occurs to me that it would be proper for us to take some special notice of it. No living American lawyer has contributed more to the sum of our information than he. His great work on *Municipal Corporations* will live after many of the existing corporations themselves shall have perished. Great as has been his service, yet this Association loves him most because he has always been with us the charming companion and friend. It seems to me, therefore, proper that a resolution should be passed to this effect:

That the American Bar Association appreciates the high courtesy of Judge Dillon in dedicating to it the new edition of his great work, and expresses its appreciation of his courtesy and extends to him its very best wishes.

I move, sir, the adoption of this resolution.

Amasa M. Eaton, of Rhode Island:

I rise to second the resolution proposed by the gentleman from Georgia. We shall certainly do credit to ourselves and confer an honor upon the profession of the law by its adoption.

The resolution was adopted.

The President:

It now becomes my very pleasant duty to introduce the gentleman who is to deliver the Annual Address of this meeting, Augustus E. Willson, Governor of Kentucky.

Augustus E. Willson, Governor of Kentucky, then delivered the Annual Address.

*(See the Appendix, page 410.)*

The President:

The next order of business is reports of standing committees. I call for that of the Committee on Jurisprudence and Law Reform.

P. W. Meldrim, of Georgia:

There were two matters referred to this committee—one relating to the service of jurors in the United States Courts, and the other in regard to peremptory challenge in those courts. The committee is ready to report, but there has been submitted to it a very exhaustive and able brief, and it is the opinion of the committee that instead of rendering its judgment before counsel on the other side has been heard, it is better to refer the report together with this brief to the incoming committee.

The President:

There being no objection, it will be so ordered. The next report is that of the Committee on Judicial Administration and Remedial Procedure.



Henry D. Estabrook, of New York:

There was referred to the committee at the last meeting of the Association the subject of Assimilation of Practice in Law and Equity in Federal Courts. Inasmuch as the special committee of fifteen is considering this subject among others, your committee has thought that no benefit would be derived from a special report, and have therefore not attempted to deal with the subject so referred to them, and will not, unless otherwise instructed.

There is another matter, however, which the special committee of fifteen has not considered in its report, but which in our opinion is quite as important as some of the questions which that committee has deliberated and passed upon.

As the law now stands, every case of sufficient pecuniary interest determined by the courts of the District of Columbia may be reviewed as of course in the Supreme Court of the United States. Your committee perceives no reason why greater rights should be accorded litigants in the District of Columbia than elsewhere in the United States, and it would expedite litigation and relieve the Supreme Court of the United States if the right of appeal to that court in the District of Columbia were allowed only in the same manner and under the same regulations and in the same cases as from the courts of the judicial circuits of the United States; and to this end your committee recommends that this subject also be referred to the special committee of fifteen with directions to urge upon Congress the passage of a bill, in substance as appended to our report.

The bill was then read.

Henry D. Estabrook, of New York:

I sent a copy of this bill to Attorney-General Wickersham, at the request of Secretary Knox, asking him to make such suggestions as might occur to him as desirable. I did not hear from Mr. Wickersham in time to avail myself of his ideas before I sent the manuscript of this report to the Secretary, but on the way here received a letter from the attorney-general, enclosing the manuscript of a proposed bill that is quite elaborate in its details.

He states that it has been very carefully considered by his department, drafted under his supervision, and that it has the approval of the Administration. I have read the bill, and I do not see that it differs materially in effect from the shorter form of bill suggested by our report; but it does have the merit of having been prepared by the Department of Justice and approved by the Administration, and anything in the shape of a law that has the approval of the Administration not only deserves our respectful consideration, but our most profound gratitude.

Therefore, without reading the bill which the attorney-general sent me, unless so directed, I move the approval of the committee's report, and request that the entire subject matter be referred to the Special Committee of Fifteen, with instructions to consider and report upon the same.

The motion was seconded.

Henry E. Davis, of the District of Columbia:

I am here in company with two other delegates from the Bar Association of the District of Columbia, charged with the responsibility of asking that this Association take no action upon this report in the direction suggested by the remarks of the Chairman of the committee. Within the time allowed by the rules of the Association it is impossible to inform the Association adequately of the peculiar conditions which obtain in the District of Columbia. It must, therefore, suffice to say that the right of appeal, which now exists in the District of Columbia, has existed ever since its organization as a community. Some eight years ago, when it became (as we thought) necessary to adopt a code of the law for the District of Columbia, this subject was very thoroughly threshed out before the Judiciary Committees of both houses of Congress, and was thoroughly discussed on the floors of both houses. The result was that the right of appeal as it now exists has passed into our code and is now there to be found. Never until this time has there since been any objection made against the continuance of the existing situation. We have in the District of Columbia a population of from 350,000 to 375,000; we have a very unique organization of our courts, we have a very

unique community, and the experience of that community until now has not been such as to move Congress to take away from us our existing rights. Now and then a suggestion is made, but invariably we are able to meet it upon our own heath. We ask to be left to meet it there, and not to have opposed to us, when we are next called upon to meet anything of the sort, the force of action by the great and influential body known as the American Bar Association, composed of gentlemen from all over the union, who do not fully understand our situation, and who cannot on an occasion like this be made acquainted with it, and who we respectfully submit, ought not to attempt to hamper us in the maintenance of our rights by the adoption of such a report. I know it is said that the District of Columbia ought not to enjoy a privilege that is denied to the rest of the country. I think upon analysis it will be found that we do not have any privilege that is different from that which belongs to the rest of the country, because our organization is so different from the organization of the Circuit Courts and of the District Courts and of the country at large that there can be no parallel run between them. I know also that it is said that if this resolution which is here embodied in the report should ultimately become a law, we will have the same right of application for the writ of certiorari that all the judicial circuits have. That is merely so in appearance. It is perfectly well known to every body practicing before the Supreme Court of the United States that the writ of certiorari, I was going to say nine hundred and ninety-nine times in a thousand, is automatically self-denied in its application. It is also well known that the Supreme Court of the United States is astute not to consider favorably applications for this writ except in cases in which there may be involved some question of a sufficiently broad interest, so far as the Circuit Courts in general are concerned, to make it desirable for the court to lay down a rule which may be uniform. We cannot do that in the District of Columbia, and accordingly the argument that we stand upon the same footing with reference to the application of this writ has no application to us. Moreover, it must not be forgotten that the Supreme Court

of the District of Columbia has the largest jurisdiction of all existing tribunals in the world today. It not only administers the common law, it not only administers the laws of Congress that are locally applicable to the District exclusively, it not only administers all the statutes of the United States which are not locally inapplicable to the District, but also it has all the powers of an English chancellor, it has all the powers in admiralty, and all the powers of the United States Circuit and District Courts. In a word, it has the largest jurisdiction known of men today; and I may say, without reflection upon any of the members of our present judiciary, they are not as a rule chosen from among us. They come to us honorably rewarded for their services elsewhere; but they are untrained in our law and untrained in our system. And they are the first to acknowledge that fact after a brief experience with us. We, therefore, have a very complex system, and we have one in which at times there is great danger, as the judges themselves frankly admit, of departure from the principles in accordance with which we have lived. It, therefore, is of great importance to us that we shall preserve this oversight of the Supreme Court of the United States, which sits upon our soil, which breathes our air, which has lived in the atmosphere of our institutions and knows our law and our system. To deprive an almost unprotected community of 375,000 people of the privilege which has been thus far freely preserved to them for all these years upon the report of a committee of this Association, with the vast strength of this Association behind it, seems to me and to my fellow delegates a wholly unnecessary performance, and, with very great deference, but with a confident appeal to the fairness of the Association, we ask that this report be not adopted.

Now one thing more. A great many of the cases that arise in our jurisdiction are cases in which a lone citizen is pitted against the whole body of the Administration of our government there at home. Those cases that go to the Supreme Court of the United States are large in number, and, while it is a fact that the Supreme Court of the United States may grant its writ of certiorari, I say with the greatest deference to that august body that the

chances of the individual applying for the writ of certiorari against the government applying for that writ are not to be mentioned in the same breath.

And finally, if I may say so as a native born and life-long resident of that community, we have a Bar that for respectability and for learning and for fidelity to the law yields the palm to none, and, whereas in the earlier days the practice before that high court was confined almost entirely to us, it has gone from us in view of the greater ease of communication that exists throughout the country now, until there is today among us a growing number of younger members of the Bar who will never have an opportunity to become acquainted with that great tribunal as lawyers practicing before it except in cases of appeal going up from our District; and with the clamor, which I thoroughly echo, of the threatened decadence of our profession from the high standards of learning and idealism that ought to characterize it, and thus far, thank God, have characterized it, I say it is of the utmost importance that this Association consider carefully whether it will deprive that portion of a very respectable Bar of the opportunity of the uplifting and the education and the holding up of the ideals of our profession that are to be acquired from contact with that great body—the Supreme Court of the United States.

I sincerely and earnestly trust, sir, speaking for my Bar as a unit, that this Association will declare that it is not within its function to adopt this report.

The President:

Is there further discussion upon this question, which is upon the adoption of the report of the Committee on Judicial Administration and Remedial Procedure?

Chapin Brown, of the District of Columbia:

I desire to add a few words to what has been so well said by my colleague from the District of Columbia, in order to show the Association the interest that the lawyers and the Bar Association of the District of Columbia manifest in this subject. Three dele-

gates were appointed from the Bar Association of the District of Columbia to oppose the passage of the resolution recommended by this committee. As Mr. Davis has well said, it is a matter that requires careful and mature consideration. The report itself shows that the committee has not given the matter sufficient consideration to enable this Association to act intelligently upon the subject. Why, sir, the committee by this report is attempting to change a practice that has existed from the time of the foundation of the government at the City of Washington. From 1801, when the government was moved to the District of Columbia, this right of appeal to the Supreme Court of the United States and the right to have the Supreme Court of the United States interpret our laws has always existed. It has been suggested time and again that a change should be made, but such suggestions have always been made by those who have not known the conditions that surround litigation in the City of Washington. This report shows that it is ill-advised, because if this resolution is adopted it will broaden and not lessen appeals to the Supreme Court of the United States. Under the District code recently adopted full consideration was given by both houses of Congress to the question whether or not we should preserve the appeals to the Supreme Court of the United States. What have we here? We have a committee appointed for a special duty coming back to the Association and saying that they are not prepared to report upon the duty confided to them. And only five out of a committee of fifteen are making a report to this Association on a matter that was not referred to them. And what do they say? Without giving a hearing to those who are interested, and without notice to them this committee springs upon us at the last moment a proposed bill with the object of limiting our jurisdiction, and yet in effect really broadening it, for by the last part of the proposed act they say, "such writ of error or appeal shall be allowed in all cases where the Constitution of the United States or a treaty thereof or an act of Congress is brought in question and the right claimed is denied." Without consideration they have said that where "an act of Congress is brought in question



and the right claimed is denied” there shall be an appeal to the Supreme Court of the United States. If they had stopped to think they would have known that every statute in force in the District of Columbia is an act of Congress. Why, sir, this proposed bill would give us an appeal in almost every case. The act of Congress that adopted the laws of Maryland as in force in 1801 was an act of Congress, and, although it was a broad way of adopting those laws from Maryland, yet it was an act of Congress, and would entitle litigants to an appeal under the proposed bill, if any of the Maryland statutes thus adopted were brought in question or a right claimed thereunder were denied.

The change of a law so thoroughly established is a matter that should be very thoroughly considered. The law says now that in cases “in which is drawn in question the validity of a treaty or statute of, or an authority exercised under, the United States,” then the right of appeal exists. That is, you have to attack the validity of it before you can appeal to the Supreme Court of the United States, which is a very difficult thing to do; and, in order to sustain your appeal, you have to do that. But, as has been well said, the District of Columbia is unique. It is unique in this, that it is United States territory. Congress has absolute jurisdiction over it. It has been said: “What is the Constitution among friends?” Why, gentlemen, the Constitution does not apply to the District of Columbia as it does to the citizens of the states. Those provisions and amendments of the Constitution that apply to the states do not apply to the citizens of the District of Columbia, and many of the provisions and amendments which were intended to apply to citizens generally, do not apply to citizens of the District of Columbia. The Congress of the United States is given plenary powers over the District of Columbia. Here is one branch of the government, the Congressional branch, the legislative branch, passing the laws for the capital of the nation. Certainly it is fit and proper that the other branch of the government, the judicial branch, the Supreme Court of the United States, should pass upon those laws.

I could talk upon this subject indefinitely, and show why this report should not be adopted, but I will not trespass upon your time; I will simply say that it is impossible to give this subject the consideration it deserves in the limited time at our disposal at this meeting. I, therefore, move that the report be recommitted to the committee without recommendation by this Association.

The motion to recommit was seconded.

Selden P. Spencer, of Missouri:

I submit that the question is not whether we are to take away from the Bar of the District of Columbia or the courts of the District any of the powers which they now have. If that were the question, it would be difficult for us in this Association to understand why appeals from the courts of the District of Columbia to the Supreme Court of the United States should stand on any different footing from that of appeals of inferior courts anywhere in the union to the Supreme Court of the United States. Already there are over fifty cases upon the docket of the Supreme Court of the United States, as I am informed, from the District of Columbia, thus interfering with the docket that concerns all the rest of the Union; and not one of those cases would have had any right upon that docket if it had been a case coming up from any other place in the United States.

All that this report does is to say that that question is of enough importance to demand consideration, and, therefore, recommends that it go to the Special Committee of Fifteen, a committee already appointed, who have it in their power to take up the question for consideration and solution.

I respectfully submit that the report of the committee is right and should be approved.

Henry E. Davis, of the District of Columbia:

I have been asked since I took my seat a question, the answer to which comes very appropriately after the remarks of the gentleman from Missouri, namely: What is the history of appeals of the kind that we are here considering in the Supreme Court of the United States as to number? During the sixteen years of the

existence of our Court of Appeals there have been disposed of by the Supreme Court one hundred and fifty-three cases, an average of fewer than ten a year, and, allowing them the usually allotted time, they have occupied less than one week of each session of the Supreme Court of the United States.

But that, I respectfully submit, is not a matter that ought to influence this body of brother lawyers. I say that year in and year out we have successfully met this proposition or similar ones on our own heath. The reasons that we have advanced to the Congress of the United States and which have been persuasive, time forbids me from giving to you; but as one of you, a brother lawyer, I ask that you do not throw against us the weight of this Association—and this I say with all deference—in your ignorance of our situation, when we stand for a century right.

The President:

The question is upon the motion last made—to recommit the report to the committee without any recommendation on the part of the Association. Is there further discussion of that question?

Henry D. Estabrook, of New York:

It does not seem to me that our friends from the District of Columbia quite comprehend the nature of this report. I think Judge Spencer has stated it very moderately when he says that the sole purport of it is to call the attention of this Association to an important matter, a matter sufficiently important to be referred to the Special Committee of Fifteen, which has been chosen to consider this entire subject of the relief of the courts, especially in the matter of congested dockets. It seems to me that to that Special Committee of Fifteen could be more properly addressed the arguments that we have listened to here against the adoption of this report. Then, if that Committee of Fifteen shall report at the next annual meeting, recommending the passage of a bill in substance such as has been suggested here, why we can occupy the time to our hearts' content with debating whether or not the circumstances of the District of Columbia are sufficiently peculiar to warrant the extraordinary exception now made in its favor.

The President:

I call the attention of the Association to the fact that the report of the committee recommends that this matter be referred to the Special Committee of Fifteen with instructions that it urge the adoption of the proposed bill. Does the gentleman from New York wish to amend the report of the committee? If so, that might be done by striking out of the report the words "with directions to urge upon Congress the passage of a bill in substance as follows."

Henry D. Estabrook:

Yes, sir; because it would amount to that in any event.

Theodore Sutro, of New York:

I would suggest that the word "consider" be inserted in place of the words "urge upon Congress."

Henry D. Estabrook:

I see no objection to striking out the entire clause, as the President has suggested, and simply referring to the Special Committee of Fifteen the subject for general consideration.

The President:

Then, do you make that motion?

Henry D. Estabrook:

Yes, sir.

The President:

Unless there is objection, the words "with directions to urge upon Congress the passage of a bill in substance as follows" are stricken out; and, of course, the bill which follows the signatures of the committee would also be considered as eliminated from the report.

Chapin Brown, of the District of Columbia:

The only objection I have is that the report itself is in substance a recommendation that the appeal be taken away. I do not see why my motion is not the one that should be adopted,

that the subject be referred back to the Special Committee of Fifteen, but without instructions.

The President:

The only effect of the adoption of the report is to refer the subject matter to the special committee. It does not commit the Association to the views of the regular committee.

Chapin Brown:

Very well. In view of the statement of the President, I withdraw my motion.

The President:

Then the question before the meeting is upon the motion made by the Chairman of the Committee, that the report as amended by the elimination of the matter specified be referred to the Committee of Fifteen.

The motion was adopted.

The President:

Next in order is the Report of the Committee on Legal Education and Admissions to the Bar.

Henry Wade Rogers, of Connecticut:

The report of the committee does not call for any action by the Association. I therefore ask permission to present the report without reading it.

The President:

Is the report in print?

Henry Wade Rogers, of Connecticut:

No, sir.

The President:

Unless objection is made, the report of the Committee on Legal Education and Admissions to the Bar will be considered as read and placed on file.

The next committee to report is the Committee on Commercial Law.

George Whitelock, of Maryland:

There were three subjects before the committee which are treated in the report. The first is Bankruptcy, with which we were instructed to deal by the Association. The report shows that no action has been taken by Congress since the last meeting of the Association, although a number of bills on the subject have been introduced. The next topic is Uniform State Legislation. The committee has gone thus far with that subject. Two bills, one on Bills of Lading, and the other on Stock Transfers have after a number of years of consideration and criticism by all interests just been adopted by the Commissioners on Uniform State Laws, and the committee recommends that this Association add its endorsement of them to the approval of the Commissioners. The third subject concerns the admiralty courts of the United States. The report contains three bills affecting them. All three of them have been considered for years by the Maritime Law Association of the United States, and they have received the criticism of all interests. The Maritime Law Association has asked this Association to add its approval, and the committee, after careful consideration of the subject, ask this Association to comply with this request. The first bill relates to damages for death upon the high seas. Lord Campbell's Act does not apply in the federal courts, and, although by statute there may now be recovery for death in every state in the union, such is not the law of the federal tribunals. The only way that damages can there be recovered for death is by the application either of a state law or a foreign law. The second bill relates to liens, and is intended to make the law uniform upon that subject, there having been considerable diversity of ruling in the different federal districts. The third bill is to give the court the same right in actions of tort to allow damages against the United States—that is, up to \$10,000—which it has in actions of contract since the adoption of the Tucker Act in 1887.

Amasa M. Eaton, of Rhode Island:

I offer the following resolution, and move its adoption:

*Resolved*, That the report of the Committee on Commercial Law be and the same is hereby accepted; that all of its recommendations be and they are hereby adopted, and that the uniform act concerning the Transfer of Title to Shares of Stock in Corporations, and the uniform Bills of Lading Act, both drawn and recommended for adoption by the Conference of Commissioners on Uniform State Laws, as well as the three acts for Congressional action concerning the Courts of Admiralty, heretofore endorsed by the Maritime Law Association of the United States, be and the same are hereby approved and recommended for adoption by the respective state legislatures and the Congress of the United States.

A. J. McCrary, of New York:

I second the adoption of that resolution.

The President:

The question is upon the adoption of the resolution offered by the gentleman from Rhode Island and seconded by the gentleman from New York.

Ernest T. Florance, of Louisiana:

I would like to draw attention to the fact that the document approved by the committee called the Fourth Tentative Draft of the Bill of Lading Act is not the document, as I understand it, adopted by the Conference of Commissioners on Uniform State Laws. That draft, as approved by the committee, made bills of lading negotiable. The draft as adopted by the Commissioners on Uniform State Laws practically destroys the negotiability of a bill of lading.

Amasa M. Eaton:

You are quite wrong about that, sir.

Ernest T. Florance:

I do not think it fair to the committee that has had no opportunity yet to discuss this vital change in the Uniform Bills of Lading Act, that we should be considered as approving an act which I for one consider hopelessly wrong. I therefore move as

an amendment to the resolution just offered that that portion of the report of the Committee on Commercial Law referring to the Bills of Lading Act be recommitted, so that the committee of this Association, which is an independent body from the Commissioners on Uniform State Laws, can consider the amendment suggested at the late Conference of Commissioners on Uniform State Laws, and then report to this Association whether it recommends the destruction of the element of negotiability in bills of lading. As a member of that committee—my name being attached to the report as approving the Fourth Tentative Draft—I say that we should not adopt today, as the sentiment of the Association, a bill that has never been submitted to your committee for consideration. I move the recommitment of that portion of the report to the Committee of which I am a member in order that it may be considered and passed upon by the committee before action by this Association.

The President:

The gentleman from Louisiana moves to amend the resolution offered by the gentleman from Rhode Island by striking out therefrom the approval of the uniform act concerning bills of lading, and asks that that part be referred back to the Committee on Commercial Law of this body. The question before the meeting is upon that motion.

Francis B. James, of Ohio:

The gentleman from Louisiana, who is a member of the Committee on Commercial Law of this Association, is resting under grave misapprehensions in respect to a few verbal amendments that have been made in the Fourth Tentative Draft of the Bills of Lading Act. That act as printed preserves absolutely the negotiability of Bills of Lading. It is true that there are a few verbal changes in the act, and it is also true that one section was added, but that section was added merely for the sake of clearness in interpretation. I hope, therefore, that the motion made by the gentleman from Louisiana to recommit will be defeated.



Ernest T. Florance:

Will the gentleman from Ohio kindly tell me what that section is that has been added, because I am probably laboring under a misapprehension and have been misinformed. I was informed that there has been added a section by which the rights of a holder of a Bill of Lading are made inferior to any lien or chattel mortgage or attachment that might run against the property, even after he had become the owner of the Bill of Lading.

Francis B. James:

The gentleman has been misinformed. Section 31 of the Fourth Tentative Draft of the act puts bills of lading so far as negotiability is concerned upon the same basis as promissory notes and bills of exchange, and the new section added to the Bills of Lading Act is simply declaratory of the meaning of the act as it stood without it. To illustrate: If A were the owner of a carload of a hundred bales of cotton, and should execute a mortgage upon that cotton to B, which mortgage was duly recorded, and thereafter should sell that cotton to an innocent purchaser for value, the innocent purchaser for value would take the hundred bales of cotton subject to the recorded mortgage, which was notice to the world. The new section of the Bills of Lading Act (Section 43) recognizes that principle in the case where a bill of lading is issued after the mortgage has been given and duly recorded, and that section was merely a recognition of the correct interpretation of the act without the addition of the section, said section being a mere declaration of the meaning of the act. Some doubt was raised as to what was the meaning of the act, and to clarify that section and remove the necessity of litigation, as legislation is cheaper than litigation, it was deemed wise to insert an interpreting clause which preserves the construction of the act as generally understood. Therefore, the gentleman has been misinformed as to the contents of the section, which does not in any manner impair the negotiability of a bill of lading, but simply recognizes a principle which is inherent in the nature of property and of title to property.

Albert W. Biggs, of Tennessee:

Will not this question be considered in the report of the Committee on Uniform State Laws? Will not the draft of the Uniform Bills of Lading Act come in under that report?

Amasa M. Eaton, of Rhode Island:

The report of that committee is here and will be submitted in due order.

The President:

The present report, however, recommends the approval of these bills, and the Association must dispose of the report in some way, either by acceptance of it or amendment or rejection.

Albert W. Biggs:

I do not want to go ahead in the dark, and recommend something that is yet to be submitted to the Association. I may be in error as to what will take place, but if the Committee on Uniform State Laws is to bring in a report embodying this draft of the Bills of Lading Act, about which two members of the Committee on Commercial Law disagree, and as to which we cannot know which of them understands it correctly, I believe that the subject matter of the recommendation of the Committee on Commercial Law ought to go over until after we have heard the report of the Committee on Uniform State Laws.

Amasa M. Eaton:

If the gentleman will permit me to interrupt him, I would state that the report of the Committee on Uniform State Laws is fully in accord with the sentiments that have been expressed by this report and recommendation. There is no difference of opinion between us at all.

The President:

The gentleman from Tennessee moves to defer action upon this report until after the report of the Committee on Uniform State Laws shall have been made.

Amasa M. Eaton:

I ask the gentleman from Tennessee whether there is any object to be accomplished in pressing his amendment after the explanation that I have just made?

Albert W. Biggs:

I think we ought not to take action on the report of the Committee on Uniform State Laws until that report is actually presented and discussed.

The President:

The Chair will rule that the subject of uniform state legislation recommended in this report is not in order until after the report of the Committee on Uniform State Laws, the subject being primarily germane to the business of that committee. Therefore, as a matter of order and procedure, unless overruled, the Chair holds that that portion of the report must go over until the Committee on Uniform State Laws shall have made its report.

George Whitelock, of Maryland:

Then I make this suggestion. Mr. Eaton, who is about to present that report, is like myself one of the Commissioners on Uniform State Laws. The two reports, as he has stated, are in absolute harmony and concurrence. Therefore, in view of the Chair's ruling, I suggest that Mr. Eaton have leave now to read the report of the Committee on Uniform State Laws in order that the Association may act advisedly, and when the whole subject is before it, it can dispose of the same.

The President:

It seems to the Chair that there are two distinct subjects in this report—one relating to Maritime Law, which has no possible connection with the other. That is the peculiar subject matter of this report. The other is a matter appropriately within the sphere of the other committee.

The Chair will therefore, unless overruled, put the question

upon the approval of the report of this committee so far as relates to the three bills which are incorporated in the report.

Amasa M. Eaton, of Rhode Island:

In view of the ruling of the Chair, I move to divide the resolution that I offered, and take up first so much of it as endorses the report of this committee, and their recommendation to adopt the Maritime Law and the Bankruptcy Law.

Albert W. Biggs, of Tennessee:

I was going to move that the report of the Committee on Commercial Law embraced in Sections 1 and 3 be approved.

The President:

That is practically the motion made by the gentleman from Rhode Island, as he has now amended his resolution.

Albert W. Biggs:

Then, sir, I will second it.

Edgar H. Farrar, of Louisiana:

That motion, Mr. President, is open to discussion?

The President:

Certainly, sir.

Edgar H. Farrar:

Will the gentlemen who presented this report indicate under what clause of the Constitution of the United States they derive the power of the Congress to legislate in regard to the rights of inheritance of a person injured upon a vessel of the United States, or to pass any law whatever on that subject?

The President:

I will ask the Chairman of the committee if he is prepared to answer the query of the gentleman from Louisiana?

George Whitelock, of Maryland:

With the permission of the Chair, I will ask Mr. Hughes, of Virginia, a member of the Maritime Law Association of America, to reply to the question propounded.

Robert M. Hughes, of Virginia:

I suppose from the question that it is directed more especially to the draft of an act giving a right of action for damages resulting in death. I can hardly presume there is any question of constitutionality involved as to the draft of a lien statute.

Edgar H. Farrar:

The same objection applies to both cases.

Robert M. Hughes:

I do not see that any question of constitutionality arises when Congress commences to legislate in regulating the maritime law on the subject of liens. Perhaps I misunderstood the question, but certainly I can see no question of the right of inheritance there. I think there are two acts as to which the question is raised. The first is the act giving a right of action for damages after death has occurred. Now if Congress has a right to pass a law giving such a right of action on the high seas, I suppose it has a right to say how the money shall be distributed; I should think the one right would include the other. So limiting myself entirely to answering the question as I understood it, I submit there can be no doubt of the power of Congress to give a right of action for damages resulting in death on the high seas. We all know that at present there is no such right of action. It is true there are a good many state statutes giving that right within the jurisdiction of the states which enact those statutes, but if a death occurs on the high seas caused by the negligence of the vessel on which the decedent is a passenger, or something like that, then, under the decisions, there is no right of action.

The Maritime Law Association has been considering this question for a great many years. The committee which prepared the draft of the act which is now before you, and which has received the unanimous approval of that committee, was a committee of very able specialists in that line, and the result is the act, which is too long to read now. I do not understand that the question asked relates at all to the policy of the act, but simply to the constitutionality of it. I think that the act can

be justified under the clause of the Constitution giving maritime jurisdiction to the federal courts; and, in fact, I think the Supreme Court of the United States has practically settled that question by two decisions. In one decision they hold that the Limited Liability Act cannot authorize a limitation of liability for damages that are not maritime in their nature; for instance, damage caused by fire starting on the ship at a dock and which spreads to the shore. One cannot there take the benefit of the Limited Liability Act, because it is not a case of admiralty jurisdiction. On the other hand, the Supreme Court of the United States has held that one can take the benefit of a limitation of liability for damages resulting in death.

Those two decisions, to my mind, settle the constitutionality of that act. I do not understand how the mere question of the other provision, as to how the money passes, which is a mere detail and incidental to the main legislation, could make it unconstitutional, if it was constitutional otherwise.

As to the bill relating to liens on vessels for repairs, supplies and necessities, that bill also came from the Maritime Law Association, and is the result of careful consideration by the Association and the committee which prepared it, which committee consisted of Judge Dodge and Mr. FitzHenry Smith, of Boston, and myself, and was threshed out in all its details in the Maritime Law Association. I do not understand that the gentleman from Louisiana questions the policy of the act, but simply its constitutionality; and, until I hear his reasons to the contrary, I do not see why Congress cannot regulate and make uniform a lien relating to repairs, supplies and necessities furnished to vessels. The only object of the act is to make the law uniform. We know that there, too, as to domestic vessels, rights of lien depend upon state legislation, and we know how conflicting that legislation is. We realize how troublesome questions are when they come close to the border line, and how arbitrary the decision is as to what is domestic and what is foreign. It is unfortunate that legislation should ever have been necessary upon it. As far as the constitutionality of it goes, I do not see

how it can be attacked upon the ground of being unconstitutional. If Congress can pass a law regarding mortgages on vessels—not simply vessels engaged in interstate commerce, but ferryboats plying from one side of a river to another—and requiring that those mortgages shall be recorded, and the Supreme Court of the United States has held such legislation good and valid, I do not see why it could not under the law to regulate commerce, and, in addition to that, under the admiralty clause of the Constitution, confer liens upon domestic vessels. The third act, giving a right of action against United States vessels, I do not understand is questioned at all.

Edgar H. Farrar, of Louisiana:

The Constitution of the United States gives the courts of the United States jurisdiction over all admiralty and maritime cases, but there is no grant of legislative power in the Constitution over admiralty and maritime cases. When the Constitution was framed it was supposed that those cases known as admiralty or maritime were settled. We have been trying to settle them ever since, but have not succeeded. The statutes to which the gentleman has referred can only be justified under that power conferred by the Constitution to regulate commerce among the states and with foreign countries; and all of the shipping laws of the United States, the whole body of them, have to be based upon this power given in the Constitution. It is now definitely settled that there is no relation between the commerce power and the jurisdiction over admiralty and maritime causes. I cannot find in the Constitution any authority whatever for the Congress to legislate as to what is or what is not under the law of a particular state a lien upon a vessel, domestic or foreign. I do not believe there is any such power. In all the numerous discussions that have taken place in the Supreme Court over that question, as far as I recall, there has been no reference made to any supposed power in the Congress to settle the vexed question, and if there had been any such power it would have been settled long ago. So with reference to the right of action where death occurs. Under the Maritime Law which existed

when the Constitution was framed, a person had a right of action for any injury or damage done to him upon the high seas, but in case of death the survival of that right in his heirs was not acquired under the maritime law. Now, how is Congress to legislate on that subject today? Which heirs is it going to select—the wife, the children, the next of kin? And how long a time is to be given? Where does Congress get the power to fix that right and to fix the limitation of time?

John C. Richberg, of Illinois:

Is it not a fact that the Supreme Court of the United States held that the Act of 1845 did not confer any admiralty jurisdiction; that Congress had neither the power to add to nor to take away from the admiralty jurisdiction; that that was inherent in the court and not by any grant of the Constitution, and therefore Congress cannot legislate with reference to conferring or taking away jurisdiction of the United States Courts in Admiralty.

Robert M. Hughes, of Virginia:

It seems to me that a few recent decisions of the Supreme Court put this question beyond peradventure. There cannot be any question that the grant of admiralty jurisdiction being a constitutional jurisdiction cannot be enlarged by Congress, but if the subject is maritime in its nature and has been so treated by the commercial nations of the world, then Congress can engraft into our jurisprudence subjects maritime in their nature that have been so treated in other countries. The limit of the admiralty jurisdiction was not, as the Supreme Court has decided, the limited English jurisdiction, but the more extensive continental jurisdiction.

Now, coming down to specific instances: The court has expressly decided in the case of *Butler vs. Boston and Savannah Steamship Company*, 130 U. S. 527, that in a limited liability proceeding you can limit liability for the right of action resulting in death. Previously, in the case of the *Phenix Insurance Company*, 118 U. S. 610, a vessel caught fire and the fire spread



to the shore, and it was held not to be a subject of admiralty jurisdiction. The Supreme Court decided that the District Court could not limit the liability. But having decided that it could be limited in a case resulting in death, that was necessarily a decision on the part of the Supreme Court that such was a maritime case in its nature and subject to admiralty jurisdiction. Then there is the case of *In re Garnett*, 141 U. S. 1, which expressly decided that legislation of that nature could be justified by the admiralty clause of the Constitution. So that the older decisions have to that extent at least been modified, and the Supreme Court is now on record as deciding that you can legislate by virtue of the admiralty clause. You could not have any better illustration than the fact that Congress has passed a law requiring mortgages on vessels to be recorded in the custom houses—not simply vessels engaged in interstate commerce, but ferryboats plying backwards and forwards across a river, and never coming at all in contact with interstate commerce. And they have decided the same thing with reference to the Limited Liability Act. You can limit your liability for damages for a loss arising on a vessel that never goes outside the limits of the state. Therefore, the question is no longer an open one.

The President:

The question is upon the adoption of the report of the Committee as far as it relates to the bankruptcy and maritime legislation recommended by the committee.

Edgar H. Farrar:

I ask for a separation of the question; let it be divided.

The President:

We will first take up the recommendation as to bankruptcy. That is the first heading of the report. The question is upon the adoption of the portion of the report relating to bankruptcy legislation.

The portion of the report relating to bankruptcy legislation was adopted.

The President:

The second section will not be taken up at this time; it is deferred for the present. The third section, concerning Congressional legislation as to Admiralty Courts, will be sub-divided again, and the first subject or sub-division of the third section—a bill entitled An Act to Authorize the Maintenance of Actions for Negligence Causing Death in Maritime Cases—will first be acted upon.

F. M. Burdick, of New York:

I would like to ask the committee whether this part of the act goes any further than changing the rule which was expressed by the Supreme Court in the Harrisburg case?

George Whitelock, of Maryland:

That is practically the effect of it. I would say that this principle of law has been adopted in every state in the union excepting possibly Louisiana; and what we propose to do here is to relieve the maritime court of the necessity of resorting, as they did in *La Bourgoyne* case, 210 U. S. 95, to the law of France, or as they did in the case of *The Hamilton*, 207 U. S. 398, to the law of the little State of Delaware, for the allowance of damages caused by the death of the supporter of a family. We propose by this bill to put the federal court in the same position of dignity in that respect as the courts of the several states, and on that subject to assimilate the law of the American federal courts to the law of the various continental countries of Europe.

F. M. Burdick:

I judge, then, that there will be no difference of opinion. I think the gentleman from Louisiana has no desire to prevent a change of the rule of law laid down in the Harrisburg case; in other words, had the Supreme Court of the United States declared in the Harrisburg case that the right of action did survive, it would have expressed precisely what is intended to be accomplished by this act. Then it would leave to the state the distri-

bution of the estate. I take it that that is the only difference of opinion between the gentleman from Louisiana and any others here.

Edgar H. Farrar:

I am not opposed to the subject matter, but I deny the power of Congress to do anything in the matter at all.

Theodore Sutro, of New York:

I have in mind the Slocum disaster on the East River at New York, with which doubtless you are all more or less familiar, I happened to represent quite a number of claimants who are absolutely remediless now. The Slocum ended in the mere hulk being sold for \$1500, and, under the act of Congress now on the statute books, the liability of the owners was limited to the value of the hulk. Now, here is a bill which would correct that situation.

George Whitelock:

The bill is the product of the thought of the best minds on this subject. The most eminent admiralty lawyers have had a hand in it. They have invited all the different interests to a hearing, and have given all the conflicting views careful consideration. Certainly, we can take the step here suggested, and leave it to the courts to declare whether or not our action is constitutional.

The President:

The question is on the adoption of sub-division (a) of Section III of the report, with the recommendation of the committee respecting the same.

The sub-division was adopted.

The President:

A two-thirds vote is required to carry the recommendation of the committee with respect to this, if a division is called for. There being no division called for, the recommendation is approved.

The question is now upon sub-division (b) of Section III, the Act relating to Liens on Vessels for Repairs, Supplies, or Other Necessaries.

The sub-division was adopted.

The question is now on sub-division (c) of Section III, "An Act to Permit the Owners of Certain Vessels, and the Owners or Underwriters of Cargoes Laden Thereon to Sue the United States."

The sub-division was adopted.

A recess was taken until 8 P. M.

#### EVENING SESSION.

*Wednesday, August 25, 1909, 8 P. M.*

The President called the meeting to order.

New members were then elected.

*(See List of New Members, page 128.)*

Chapin Brown, of the District of Columbia:

I am requested to nominate Richard Wayne Parker, as a member of the General Council from New Jersey.

The President:

It will be so noted.

We are to hear tonight about Courts of Last Resort from a gentleman who should be competent to speak of them. He has had experience of them from three points of view: as a practicing lawyer, as a judge of the Court of First Instance, and as a judge of the Court of Last Resort. I do not know which point of view has impressed him most strongly, but will let him answer for himself. I take great pleasure in introducing to you Judge Carpenter of the Detroit Bar.

William L. Carpenter, of Michigan, then read his paper.

*(See the Appendix, page 477.)*

The President:

Is the Committee on International Law prepared to report at this time?

The Secretary:

There is no report in my hands, Mr. President.

The President:

The Committee on Grievances.

The Secretary:

No report.

The President:

The Committee on Obituaries.

The report of the Committee on Obituaries was read by the Secretary as Chairman of the committee.

*(See the Report in the Appendix, page 533.)*

The President:

The Committee on Law Reporting and Digesting.

The Secretary:

No report.

The President:

The Committee on Patent, Trade-Mark and Copyright Law.

Arthur Steuart, of Maryland:

I regret that I am compelled to make this report because of the absence of our dear old friend, Judge Taylor, who has come before you from year to year representing the committee. He has been prevented from attending this meeting by the serious illness of his wife, and I have a letter from him today stating that he is unable to be present. He has asked me to say for him as representing the committee, that during the past year the committee in advocacy of the Court of Patent Appeals bill has made some progress in the contest which has been going on for the past ten years with the approval of this Association. The bill has not yet been passed, but the committee has made some progress. We have secured for it a favorable report from the House Committee on Patents, and we have secured for it a favorable report from the House Judiciary

Committee. We succeeded in getting the latter report only in the last days of Congress, and we were therefore unable to go further with it at this session. The present special session which has just concluded was devoted to special purposes, and it was not thought proper to introduce the measure at that time. It will, however, with your approval, be introduced again, and the work continued on the same lines. We therefore ask that this resolution be adopted:

*Resolved*, That the report of the Committee on Patent, Trade-Mark and Copyright Law on the subject of the bill to create a United States Court of Patent Appeals be and the same is approved by the Association, and the committee instructed to continue their efforts to secure the passage of the bill.

Melville Church, of the District of Columbia:

I second the resolution.

The President:

The question is on the resolution offered by the gentleman from Maryland, approving the report of the committee on the subject of the bill to establish a United States Court of Patent Appeals.

The resolution was adopted.

Arthur Steuart:

I have another report from the same committee. For many years past there has been what has been regarded as a crying evil in patent matters, and that is the entire want of a remedy for infringement by the United States government. The government has on many occasions taken through its officers, without hesitation, the valuable works of American inventors, who have been wholly without remedy to recover compensation. The cases have gone to the Supreme Court, but in every instance, unless a special contract for the payment of royalty was proven, the remedy sought has been denied. This bill is in line with that proposed by the Committee on Commercial Law giving to the court jurisdiction to hear cases growing out of tort against the United States. It provides the right to sue the government for the use of private property where the taking is

the result of tort. We ask that it be approved. It is not necessary for me to read the report; it is in print and has been distributed. I move the adoption of this resolution:

*Resolved*, That the report of the Committee on Patent, Trade-Mark and Copyright Law on the subject of additional remedies for the protection of patented property, and the bill reported by the committee, be approved by the Association, and the committee instructed to use their best efforts to secure the passage of the bill.

C. W. Smith, of Kansas:

I second the resolution.

The resolution was adopted.

*(See the Report in the Appendix, pages 536, 544.)*

The President:

The report of the Committee on Insurance Law.

Ralph W. Breckenridge, of Nebraska:

The Committee on Insurance Law has made its report, and as the same is in print and has been distributed, I will not take the trouble to do more than state the purport of the report itself and the recommendation of the committee. I might say that it is unanimous. The report refers to the inadequacy of the present state laws which relate to the supervision of the general business of insurance, and to the difficulties which have been encountered on all sides with respect to the management and control of the business and of the companies engaged in it. Particular reference is made to the great contrariety of statute law in the several states, and special attention is directed to the crying need of some efficient legislation upon this subject in the District of Columbia. The District is especially referred to, because it is generally conceded by those who have made a study of insurance law—the members of the Committee on Insurance Law of this Association and the several Insurance Commissioners of the various states, and the companies themselves, those interested in various lines of insurance—that there must be a start somewhere towards a uniform insurance code which shall be adopted

in all the states. It would be similar to the Negotiable Instruments Act and the other laws put forth by the Conference of Commissioners on Uniform State Laws. It is believed that if Congress would pass an insurance code applicable to the District of Columbia and to be enforced there—a code of laws which shall be compiled by a commission appointed by the President of the United States—there is some hope that such a code will receive the commendation of Congress and be taken as a model to be introduced throughout the union, like the action of the states relating to the equipment of railroads with a certain kind of equipment, and to the Employers' Liability Act, models of the federal act having been passed in many states.

There is no purpose to imply that insurance is commerce. As a matter of fact, precisely the opposite is implied. In the District of Columbia, as you probably all know, the business of the District is conducted by commissioners who operate under the laws passed by Congress, and they run the business of the District. Those commissioners are very anxious to have the bill which has been reported by this committee passed by Congress. They have recently held a meeting in Washington where they approved the very bill embodied in our report. The Superintendent of Insurance of the District is exceedingly anxious that this Association shall start a movement in favor of an Insurance Code for the District, because he says it is the worst of all, and he is extremely anxious that some reform be initiated.

So your committee upon all the considerations brought before it, and all the arguments considered and passed upon, all the investigation made and all the light they could get, have prepared and present this report. I read the concluding sentences:

“The only method promising results which thus far has been formulated to deal with this situation is stated in House Bill No. 28,407, Sixtieth Congress, second session, introduced by Mr. Flood, of Virginia.”

I may say that this situation refers to the fact that all manner of effort looking to a code which should deal with the whole subject has so far failed. It is within the knowledge of all who are familiar with the history of the so-called Ames bill, which



was prepared after the Armstrong Committee in New York had ceased its labors, that it was the subject of amendments by the hundred. That bill was supposed to be based upon a Massachusetts statute, but at least three hundred amendments were offered to it, so that it is practically impossible that a bill prepared by any one individual and bearing any one name shall have any chance of passage.

“It (the Flood bill) creates a commission to prepare a code of laws for the regulation and control of insurance companies doing business within the District of Columbia. Your committee have conferred with the District Commissioners, and with the Board of Governors of the Bar Association of the District and others interested. They all endorse this plan, though neither the Commissioners nor the Bar Association have formally approved the bill. It also puts in form the desire and recommendation of Superintendent Drake, and should have the approval of all who favor a model insurance law for the District which may later be generally adopted.

“It is a sensible step in the direction of a reform which will be most effective and far-reaching. It will insure that the interests of all concerned will be properly safeguarded. It will prevent haste and improvidence; the code drafted by such a commission would necessarily be subject to the scrutiny of the able lawyers in both houses of Congress, and only through a commission can the practical difficulties which beset legislative reforms, be met and overcome.

“Your committee therefore recommend:

“That the Congress pass a law which shall create a commission to prepare a code of laws for the regulation and control of insurance companies doing business in the District of Columbia.”

And appended to the report is a copy of the act introduced by Mr. Flood and referred to the Committee on the District of Columbia, and which has the approval of that committee.

I therefore move the adoption of the report, and that the committee be authorized to urge upon Congress the passage of the bill appended to the report.

The motion was seconded and adopted.

*(See the Report in the Appendix, page 549.)*

Nathan William MacChesney, of Illinois:

I desire to have the Association return for a moment to the matter of the Committee on Law Reporting and Digesting. Mr. Keasbey, of the committee, is abroad, and he has sent me a communication with reference to the subject matters referred to the committee, requesting that I get the opinion of the members of the committee in reference to them.

It seems to be the general consensus of opinion among the members of the committee that nothing of really vital concern can be done with reference to law reporting and digesting so long as the decisions of the various courts are the basis for law reporting. Although I do not agree entirely with the majority of the committee in that respect, it seems to me that the time has come for the committee to make an earnest effort to ascertain if the number of decisions reported cannot be reduced in some way; and I trust that the committee will, during the coming year, take the matter up in earnest and mark some progress in this direction. The tremendous output of cases in this country is making it impossible for the Bar to be familiar with the decisions anywhere. It seems to me that this has a very vital relation to the general question of uniformity, for it has long ceased to be possible for the Bar of any state to be familiar with the decisions of other states, except in very rare instances.

I trust, therefore, that with this brief report, the committee may be continued, and that it will take up with earnestness this subject during the coming year.

The President:

The committee is a standing committee, and may continue its work without special leave from the Association.

Next in order is the report of the Committee on Uniform State Laws.

Amasa M. Eaton, of Rhode Island:

I will read the report of the committee, which is in manuscript. The reason why we set forth so particularly all the details, is that we wish to preserve as a permanent record the

evidence that we have given every opportunity to every interest concerned to come before the committee and be heard.

The report was then read.

*(See the Report in the Appendix, page 557.)*

The President:

The report will be received and placed on file.

George Whitelock, of Maryland:

I move that the recommendations of the report be adopted, approving the various bills mentioned.

The President:

The Chair is of the opinion that that motion cannot be entertained, because of the provision of By-law XII, which provides for printing and distributing in advance of the meeting committee reports containing recommendations for action.

Amasa M. Eaton:

The gentleman from Maryland is unintentionally in error in his motion. There is no recommendation proposed in this report. All that is asked in the report is that it be received.

The President:

That will be done as a matter of course.

Amasa M. Eaton:

As to the provision of the By-laws that reports shall be printed and distributed at least fifteen days before the meeting of the Association, you will understand that it was impossible for a report of this kind, which takes cognizance of the action of the Conference of Commissioners on Uniform State Laws in session last week and on Monday of this week, to be printed in advance of this meeting.

The President:

The report will be received.

George Whitelock:

I founded my motion upon the fact that the report of the Committee on Commercial Law—and we thought the subject

within our province—did recommend that these bills in such form as might be approved by the Conference of Commissioners on Uniform State Laws should be ratified by this Association.

Amasa M. Eaton:

That would be the proper subject of another motion, I submit.

George Whitelock:

If that is appropriate at this time, I make that motion.

The President:

The Chair is of opinion that a report which does not conform to the By-laws, and does not inform the members of the Association of the proposed action, is not a report upon which action can be taken within the meaning of the By-laws.

Simeon E. Baldwin, of Connecticut:

There is a report of the Bureau of Comparative Law which is in print and is very brief, that I would like to present.

The President:

Very good.

Simeon E. Baldwin:

The report is really the Bulletin which has been distributed, and is in the hands of the members of the Association. That Bulletin, published last month by the Comparative Law Bureau, covers thirty-two nations of the world, and includes all the Great Powers, except Russia and the United States. The United States did not fall within our province, and the information was not fully at hand at the time the Bulletin was published in regard to Russia.

I will only add that that Bulletin was published and distributed to over 4500 persons, counting the members of this Association, and the members of State Bar Associations entitled under the rules of the Bureau to receive it.

Allow me to call the attention of gentlemen present who are members of State Bar Associations to the fact that by the rules governing the Comparative Law Bureau any State Bar Association is at liberty to become a member of the Bureau at an ex-

pense of \$15.00 a year, and to receive ten copies of the Annual Bulletin, or, if it choses to do so, it may make an arrangement by which every member of a State Bar Association who is not a member of the American Bar Association shall receive a copy by paying an additional sum of \$5.00 for every one hundred members.

The President:

The report will be received.

*(See the Report in the Appendix, page 561.)*

The Secretary:

I have a report to make on behalf of the Executive Committee. There was referred to the Executive Committee a resolution offered by Mr. Richberg, of Illinois, upon which the committee now desires to report favorably: Amending Article XI of the Constitution, entitled "Construction" by adding after the words "District of Columbia" the words "and the insular possessions of the United States."

Charles Henry Butler, of New York:

I would like to ask, in view of something that has been stated tonight, whether that should not also include the "Canal Zone." I notice in the report of the Committee on Uniform State Laws that the Canal Zone has not yet sent commissioners. When we get something else we can amend again, but we had better amend now so as to cover everything that we have.

Walter A. Knight, of Ohio:

Why couldn't we simply say "insular and other possessions"?

Charles Henry Butler, of New York:

I have no objection to the form of the amendment, so long as it takes in everything that ought to be represented.

The Secretary:

The amendment, then, will read: To add at the end of Article XI of the Constitution the words "and the insular and other possessions of the United States."

The amendment was adopted.

The Secretary :

The Executive Committee also, of its own initiative, offers the following amendment :

Insert in Article III, of the Constitution, after the first clause which provides for the various officers, the following: There shall be an Assistant Secretary, who shall be elected by the Executive Committee, and shall hold office at their pleasure.

The President :

It has been found absolutely necessary to provide for an Assistant Secretary, as the work of the Association has passed very far beyond the ability of one man to give it such attention as it requires, and this is simply intended to increase the working efficiency of the organization.

The amendment was adopted.

The Association then adjourned until Thursday, August 26, 1909, at 10 A. M.

### THIRD DAY.

*Thursday, August 26, 1909, 10 A. M.*

The President called the meeting to order.

The Secretary :

The Executive Committee desires to announce that the ladies accompanying members of the Association are invited to the banquet tomorrow evening. The tickets for the ladies will be \$3.00 each.

The President :

Is the Committee on Taxation ready to report?

Theodore Sutro, of New York :

Mr. President and gentlemen: I shall read the report of this committee, because if I attempt to state the substance of the report it will take longer than it will to read it.

The report of the Committee on Taxation was then read.

*(See the Report in the Appendix, page 563.)*

James O. Crosby, of Iowa:

I would inquire whether the committee proposes to make the appropriation of a thousand dollars spoken of?

Theodore Sutro:

We propose to use it gradually for the purpose of getting together these statistics and comparing the laws of the various states, and then offering a model tax law to be recommended to the various states for adoption.

I do not know that the members of the Association generally are aware of the rule adopted by the Executive Committee recently that "no appropriations will be made hereafter for any expenses incurred save in necessary consideration of subjects referred to committees by vote of the Association." We, therefore, ask, in view of this resolution, that we be authorized to proceed with the work outlined, and that an appropriation of \$1000 be made for the committee's use, to be drawn in two annual instalments of \$500 each.

This is the unanimous report of the committee, and I move its adoption.

Alfred Hayes, Jr., of New York.

I desire to oppose the motion that has been made and to make clear what I think it involves. The proposal is to co-operate with another association, and we must necessarily co-operate upon the terms which that other association lays down. Now, what are those terms? That two propositions be considered as fundamental: First, that an inheritance tax shall be designed to afford revenue and not to level fortunes. With that purely political question, which I do not think this Association ought to enter upon, I am not all in accord. It seems to me that if fortunes are to be leveled at all—large accumulations of wealth—practically the only available means is an inheritance tax. I do not think this Association ought to be committed in this way to that proposition by formal vote, as is stated in this report. Second, the proposition for co-operation involves the statement that this law shall be urged with a view to

getting this important field pre-empted by the states. With that also I am not in accord. Whether you are a centralizationist or a believer in state rights, if you adopt the first principle—that an inheritance tax is to be used at all to level fortunes—then you are confronted with the same situation that exists in the case of an income tax, that the states cannot use such a tax for that purpose, for the reason that a resident of New York can very readily go to Connecticut or to New Jersey or to any adjoining state, and the purpose of the leveling process will be absolutely defeated. The difficulties which this report says have confronted the states in the enactment of an inheritance tax as to double taxation and similar questions, would be entirely obviated by the adoption of a federal tax. But I do not stand here to argue for a federal tax as proposed in the late Payne Bill in the House. My purpose is to say that I oppose committing this Association to a political question which is open now for a political discussion, and to which this Association ought not to commit the minority of its members.

James O. Crosby:

This report seems to take it for granted that the principle of an inheritance tax is already approved by the Association, and that it has become a fixed principle. I am opposed to the idea of an inheritance tax in any form. It is right that the property of the country should be taxed to pay the economical expenditures of government, and there is a tendency nowadays to invent new means of taxation; but it is not necessary to secure the inalienable rights of mankind for which governments are established, to secure to them the rights of liberty and life and the pursuit of happiness—that new methods of taxation must be continually invented.

If I understand the origin of this inheritance tax it came from Augustus Caesar, who aspired to be the Emperor of Rome. He was one of a triumvirate. He got rid of Mark Antony by turning him over to the tender mercies of Cleopatra, and he made good disposition of the other triumvir. Then he wished an army to support an empire, and, in order to provide for the army, he



proposed to the Senate an inheritance tax. The Senate was reluctant to pass it, and he gently intimated that unless they did pass it, he would be under the necessity of insisting upon a tax on real estate, and, as many of the Senators were large holders of realty, they acceded to his wishes and instituted this method of taxation—the inheritance tax.

I do not understand that this inheritance tax was ever adopted again by any government until the rebellious colonies of America were needed to be subdued by the mother country, and the mother country adopted this inheritance tax to raise the funds necessary to subdue our American colonies.

Real estate, and other property of the country, is sufficient, with a reasonable method of taxation, to supply all the needs of government, to give all the revenue that is necessary for its economical administration. But, on the other hand, there is progress. The old simple form of government that we read in the Declaration of Independence seems to be progressing in a different way. The theory was that its officers were the servants of the people, but nowadays we are learning little by little that the officers of the government are our masters, and that “we must bend our knees if they do but carelessly nod on us.”

I have never heard one good argument yet for an inheritance tax—only that it is a tax very easily collected; that, in fact, they can arrange the law of inheritance taxes so that no dead man can escape. Are we willing to surrender our rights to dispose by will of the little property that we have accumulated during our lives? This law of itself circumscribes that right. I am entirely opposed to the idea of an inheritance tax. Let the living support the government, and not the dead.

Edward A. Harriman, of Connecticut:

I desire to oppose the report of the committee on account of the welfare of the Association. It is obvious that the members of the Association do not agree on principles of taxation. There is no reason why they should agree. The question is purely a political and economical one. Such questions constantly arise in this Association, and if we are to devote ourselves to them,

we will become a debating society, and spend all our time on subjects which have nothing to do with our profession.

Therefore, sir, I move that the report be placed on file and the committee discharged.

James O. Crosby:

I second that motion.

W. B. Swaney, of Tennessee:

I do not rise to discuss the advisability or the non-advisability of an inheritance tax, but I rise for the purpose of insisting upon this committee having an appropriation for the purpose of collecting data for the use of the Association, and for the use of the law-makers of the country, so that we may have some intelligent data by which state legislatures may enact laws for the purpose of raising necessary taxes.

As far as the inheritance tax is concerned I agree with the committee, but I am not compelled to agree with the Chairman of this International Tax Association with which we are asked to co-operate. I take it that the letter of that gentleman, which is quoted in the report, is simply the expression of his individual views. We do not tie ourselves to them by approving the report, but we must recognize the fact that in nearly all of the states there is an inheritance tax. Should we not have those taxes levied along some uniform line? Take the question of taxation in our states generally. I had occasion a few years ago to consider that question in Tennessee. Our Constitution is so framed that a privilege tax can be attached to anything except the practice of law and the ownership of a dog. My brother Ingersoll raised a question as to the constitutionality of the law imposing a tax upon the right to practise law, and he succeeded in his undertaking. That made him a patriot among the lawyers of Tennessee. Then some poor fellow up in the mountains of East Tennessee raised a question as to the constitutionality of the dog tax, whether a man had the right to have as many dogs and children as he could accumulate. We had involved in this agitation chambers of commerce, business bodies throughout the state and

citizens generally. To be sure, it is a practical question, and you may say it is a political question. Indeed, everything in this country is political. We are all politicians, whether amateurs or professionals. That is what we are here for—to recommend laws, and to see that they are enacted, and that we get sane laws instead of imbecile laws, and to try to carve out of these economic ideas something that will do good for us and for the American people. When we came to study the tax laws in Tennessee we found that we were working in the dark. A committee was appointed by the Chamber of Commerce in Chattanooga, and it took up the study in all its various branches. The only book at hand was Ely on Taxation in American States and Cities. We could go back to Adam Smith's book, but that is all theory. Why, talk about anything that takes money out of your pocket, and the cry at once is raised, that it is politics. Now, why not have the facts ascertained, so that when we come to draft a law on this subject that shall be applicable to the various states, the data will be before us, so that some sensible and reasonable system of taxation can be evolved. The reason why our legislatures cannot do anything on the subject is that when they meet, they are made up of a lot of raw young lawyers principally, without any knowledge of the subject, and they are guided by the Third House. That is where the protected interests always get in their work, through the ignorance of the chosen representatives of the people. What this Association should do is to get the data as to tax laws in some intelligent shape, so that they can be understood, so that the committee will know what has been done, and then set to work and try to evolve some reasonable and satisfactory system that we may all fully comprehend, and then try to have the various states adopt a uniform system.

Epaphroditus Peck, of Connecticut:

It seems to me that if there is any one thing to which this Association is committed, and most beneficially, it is the promotion of uniformity of legislation. Whatever views any of us may entertain concerning the propriety of an inheritance tax law, it is certain that such a law has been adopted by almost all of the

states; it has been adopted by the greatest of our states, and no man can question that it is a permanent part of the taxation policy of our country. It is also true that with the possible exception of divorce, and one or two other subjects, there is nothing in which the diversity of legislation is more annoying and leads to greater injustice than the diversity which exists in different jurisdictions in the way of taxing inheritances. It seems to me that an effort to promote uniformity upon those subjects is very distinctly within the line of policy that this Association has been carrying out. The committee which has reported this subject is certainly entitled from its personnel to as great respect as any committee, and it is not proper that it should be offered the discourtesy which is implied by the motion last made. I did not hear any second to the motion offered by Mr. Harriman.

James O. Crosby:

I seconded it.

Epaphroditus Peck:

If the situation is such that a motion or amendment to the motion already made is in order, I would move that the suggestion of the committee in its report be adopted, namely, that the Association authorize the committee to proceed with the work and appropriate \$1000, to be drawn in two annual instalments of \$500 each.

The motion was seconded.

The President:

The pending motion is that the report be received and filed and the committee discharged.

Theodore Sutro:

I rise to the point of order that such a course cannot be carried out by motion. It would require an amendment to the Constitution, as this is a standing committee.

E. A. Harriman:

Then I withdraw that part of my motion.

John C. Richberg, of Illinois:

If I understand it rightly, the original motion was to approve the report of the committee. Then that motion was amended to the effect that the report be received and filed.

The President:

And the committee discharged.

John C. Richberg:

Now, I would like to inquire whether the last motion is an amendment to the first motion, or is offered as a substitute for the original motion and the amendment which followed?

The President:

The Chair rules that it is simply the motion of the Chairman of the committee stated in another form, the motion of the Chairman of the committee having included everything suggested in the last motion.

Epaphroditus Peck:

I do not so understand it. However, if that is the Chair's understanding of the situation and of the question before the Association, I will withdraw my motion.

The President:

The report itself makes the recommendation that the motion of the gentleman from Connecticut (Mr. Peck) suggested.

John C. Richberg:

I have no objection to the report of the committee, but I do object to the Association being placed on record as adopting not only the recommendation and appropriation of a certain sum of money, but also every suggestion made in the report, which is what the motion of the Chairman of the committee would involve.

Now, some of us may be in favor of the recommendations, and some may not be in favor of them; some may be in favor of an appropriation and others opposed to it. I do not think that the motion is a proper one on a report of this kind—to approve the report of the committee—because that would commit the Asso-

ciation to everything stated in the report. The usual motion is that the report be accepted. Then the question is open for discussion, and such motions may be made upon the report as are suggested, or the question divided so that we may vote separately upon each suggestion and upon the recommended appropriation.

The President:

Then, does the gentleman from Illinois move that the report be received?

John C. Richberg:

I move as a substitute for all pending motions and amendments, that this report be received and filed, and that the recommendations therein suggested by the committee be taken up separately for action by the Association.

The substitute motion of John C. Richberg was seconded and adopted.

The President:

Now the specific recommendations of the committee are open for discussion.

Epaphroditus Peck:

I now renew the motion that I made before, namely, that the Association authorize the committee to proceed with the work outlined in its report, and that an appropriation of \$1000 be made for the use of the committee, to be drawn in two annual instalments of \$500 each.

The motion was seconded.

Walter A. Knight, of Ohio:

It seems to me rather a remarkable argument to present, that because there is so much difference of opinion among the members of the Association we should not act upon this matter. I never knew of any subject upon which four hundred lawyers could agree, and it is not at all remarkable if we fail to agree upon all the matters set forth in this report.

Now, the first object, as stated in the report, is that there

be a thorough study of the legal, economic and fundamental questions involved, which is the only proper basis for any taxation movement. Certainly no harm can result from that. It would be the foundation of much useful information.

As to whether or not we believe in an inheritance tax at all, that would have no bearing upon that subject, because if the whole subject is a fallacy, and if that method of taxation is wrong, there is no better way of proving it than by getting all the information obtainable. Then, with that as a basis, we can arrive at some conclusions that are sane and safe to adopt.

I am, therefore, in favor of the adoption of this motion in order that sufficient facts may be gathered to prosecute the work, and that the committee may have such funds at their command as are necessary.

H. H. Ingersoll, of Tennessee:

It seems to me that the Association is wasting time, and it will be wasting money, to get into the discussion of abstract questions of taxation with which it has nothing to do.

Walter George Smith, of Pennsylvania:

In view of the financial question involved, it seems to me that the Association would be on the safe side if it referred this resolution to the Executive Committee, to carry it into effect if in their judgment the finances of the Association warrant it. An appropriation of \$500 for two years is a very considerable addition to the expenses of the Association. It is customary to refer all matters that involve the expenditure of money to the Executive Committee for consideration and recommendation. I make this motion as an amendment to the pending motion.

The motion was seconded.

Albert W. Biggs, of Tennessee:

The committee realized in formulating this report that any report upon the subject of taxation would in a measure trench upon political questions. We, therefore, did not make a report upon anything except as to the inheritance tax law, on the idea that that seemed to be the settled policy of a great majority of

the states of the union, and that in its practical operation it had resulted, in many cases, in the difficulty which we desired to avoid. In our desire to avoid that we thought we would have the support of the Association if it desires to do anything in the field of taxation.

Therefore, if the Committee on Taxation is to be continued—and as to that it is a matter which must rest with the Association—it seems to me, if this recommendation is not to be accepted, then the motion of the gentleman from Connecticut ought to prevail and the committee be discharged. In order to keep out of the field of politics as far as possible, we simply state in the report that we have not been able to go through the laws of the various states, but that if you want that done we can co-operate with the International Tax Association and bring in a report which will show to you what the various states have done in the way of providing a law which will produce revenue and not reduce fortunes. Then, if the law is acceptable, it may be recommended for adoption in all the states. My mind is not clear as to whether we ought to take any action at all, but if you are going to have a Committee on Taxation—and I assume that the Association when it provided for a Committee on Taxation—

H. H. Ingersoll:

The Association didn't know what it was doing.

Albert W. Biggs:

That may be true, but nevertheless it determined to enter upon the field of taxation. Of course, if we have gone upon any forbidden field it was because we did not know how to keep off of it in handling this delicate question.

I think the motion that this appropriation be allowed should prevail, provided the Association wants to continue the committee, subject to the approval of the Executive Committee. I believe that would be acceptable to the members of the committee. That brings up to you squarely the question whether or not you want a Committee on Taxation. I do not see how we could have made a report and kept out of politics any better than we did.



We evidently strove to do that, and if we transgressed in any particular it was because we were unable to avoid it.

The President:

Gentlemen, are you ready for the question on this motion?

Theodore Sutro:

Before the question is put on that motion, I want to say that it is not so much the question of political economy that is involved in this matter as it is to secure uniformity in the laws of the various states on the subject of an inheritance tax. We must face the question as it is. There is hardly a state in the union that has not an inheritance tax law. We have called attention to the fact that, owing to the conflict of jurisdictions, in the view of the committee it is essential that this Association should enable the committee to investigate questions of taxation so as to secure uniformity. If you throw out this report you discard entirely the possibility of ever considering this important branch of the law. The feeling which has always existed—the fear that we might get into a political discussion or that we would enter the field of political economy—is the very subject that we touch upon in our report.

Arthur Steuart, of Maryland:

I would inquire what the Commissioners on Uniform State Laws have done in reference to this matter?

Theodore Sutro:

They have not taken up the subject as yet. I was told by one of the Commissioners that in the course of time they would be very glad to take it up. Mr. Eaton, who for many years was President of the Conference of Commissioners on Uniform State Laws, is a member of our committee. I think the Association may trust us that we are not going to saddle any question of complicated political economy on this Association.

Now, on the question of appropriating this money to the committee, I am perfectly willing as one of the committee to accept the suggestion of Mr. Smith, of Pennsylvania, coupled with the suggestion made by Mr. Peck, that the Association authorize the

committee to proceed with the work "herein outlined"—and that does not commit the Association to anything, but it simply involves an investigation of the laws of taxation—and then that the question of the appropriation of the money, both as to the amount and as to the manner of its payment, shall be referred to the Executive Committee.

Walter George Smith:

That will be entirely satisfactory so far as I am concerned.

The President:

Then the question before the meeting will be, as the Chair understands it, that the committee be directed to proceed with the work outlined in the report, and that a sum of money not exceeding \$500 annually for two years (the amount to be subject to the approval of the Executive Committee), be appropriated to defray the expenses of the work.

The motion was adopted.

The President:

Is the Committee on International Law ready to report?

Charles Noble Gregory, of Iowa:

The committee reports the proceedings of the Maritime Conference in London by which the Law of Prize has been revised.

The action of that conference has greatly modified the law in respect to contribution and in respect to blockade.

The report is epitomized here. It has been submitted to the Senate of the United States, but has not yet been acted upon.

The committee further reports some twenty-five treaties and conventions entered into by the United States within the last year.

I beg leave to file the report without further reading.

The President:

The report will be received and filed.

*(See the Report in the Appendix, page 568.)*

The President:

The Committee on Title to Real Estate.

The Secretary:

No report.

The President:

The Committee on Proposed Copyright Bill.

Arthur Steuart, of Maryland:

I shall not read the report, but will simply ask leave to file it with the Secretary for printing.

I desire to say that some three years ago the committee was appointed to co-operate with other forces which we understood were interested in bringing about a revision of the Copyright Law. I am glad to be able to present to you a copy of the law as it has been passed by Congress. The work is complete. How well it has been done remains to be seen by experience. The matter is new, as of course there are a great many new questions involved; but the whole law has been revised and codified, and your committee asks to be discharged.

The President:

The report will be received and filed. The work of the committee having been fulfilled, it will stand discharged, unless there is objection.

*(See the Report in the Appendix, page 573.)*

The President:

Report of the Special Committee to Suggest Remedies and Formulate Proposed Laws to Prevent Delay and Unnecessary Cost in Litigation.

Everett P. Wheeler, of New York:

The work which this Association approved a year ago at Seattle, and the circulation of the report of its proceedings, and the various activities of its members, have been very fruitful. It is true that the bill which we recommended has not yet received the approval of Congress, but the experience of the Committee on

Copyright Law which you have just had presented by its accomplished Chairman, Mr. Steuart, shows that it generally takes three years to get an important measure through that conservative and deliberate body. So that your committee in that respect is not discouraged. We had a very full hearing before the Committee on the Judiciary of the House extending through a whole day; we had a very careful hearing from the sub-committee of the Senate, and we feel that the matter was presented to Congress in a satisfactory way, and now we come back to you this year with the propositions that are annexed to this report.

I have learned a lesson since I came here. Mr. Justice Brown, whom I had the honor of meeting the other day, told this anecdote of Judge Baxter, whom some of you may remember as having been judge in the Tennessee Circuit. A very important equity case came on for hearing before him, and the counsel who was to open the case arose and said, "Your Honor, I will read the bill." Said the judge, "I don't want to hear the bill; state the substance of it." But the counselor held out the bill, and said, "Your Honor, I don't see how I can state the substance of this bill; I think I must read the whole of it." "Then," remarked the judge, "I will adjourn court until tomorrow, so that you may have time to familiarize yourself with your law suit." I will not ask to have this case adjourned until tomorrow, because the diligent study that the committee have given to the subject of this report makes me feel that I can state the substance of it now.

In the first place, when the bill which we recommended last year for adoption came on to be discussed before the House Committee, they recommended two amendments that met our approval, and those are embodied in our report. The first suggestion is the omission of the word "affirmatively" in the first section. Some of our friends in Congress, particularly Mr. DeArmand, of Missouri, seemed to think that "affirmatively" meant too much; that it put too great a burden on the appellant, and on the whole it seemed to us that the adverb did not so much strengthen the proposition that it was necessary to make a fight for it. Then Mr. Moon, whom some of you remember was one of the committee who had under consideration the

revision of the statutes of the United States, suggested that there was some question as to whether the particular statute which we proposed to amend had not been repealed by implication. It had been amended after the supposed repeal, but still legislation on that subject was in such shape that it seemed to us advisable to adopt the suggestion. Accordingly, we framed the fourth section in regard to appeals in habeas corpus proceedings, so as to be an affirmative enactment without reference to any previous statute. We were told at Washington that the justices of the Supreme Court were of the opinion, after considering the matter among themselves, that this would very materially relieve the labors of the court—to have the allowance of such an appeal submitted in the first instance to a judge, with the discretion to him whether to allow or disallow the appeal. Under the present system, as you may remember, the judge is bound to allow it, and you can get an appeal in a criminal case on any frivolous pretext. One illustration has been brought to the attention of the committee since the last meeting of the Association. A man in New York was convicted of a capital crime. His counsel was so clearly of the opinion that he was guilty, and that there was no error in the record, that he declined to prosecute an appeal. Thereupon the convicted man succeeded through the aid of a clever criminal practitioner in taking out an appeal in his own name. Then the question came what should be done with it. Counsel was appointed by the court, and he consulted with the previous lawyer in the case, and was advised by him not to go and see the client; he said, “He is such a brutal wretch that if you go and see him you will be disgusted with his case and won’t argue it.” So the counsel appointed by the court refrained from going to see his client. The case was affirmed at once, and thereupon somebody was found who sued out a writ of error to the Supreme Court of the United States, in which it was alleged that the constitutional rights of the condemned man had been infringed because his counsel before the Court of Appeals had not actually seen the client before he made the argument in that court.

Now, it is on such frivolous pretexts that a great many cases have been taken to that court. It did seem to your committee—

and, as I may say, I think that part of the bill met the unanimous approval of the Committee of Congress—that such delays in the administration of criminal justice were intolerable, and that it was all wrong to give anybody the right of appeal in any case on an allegation of the infringement of a constitutional right when the defendant had had a full hearing in the court below, and it had been determined that he was guilty and should receive the punishment provided by law.

So much for the changes in the bill as we presented it last year at Seattle. The second section as we recommended it was discussed and referred back to the committee for further consideration. This is the form in which we recommend it to the Association, and I will read it: “The trial judge may in any case submit to the jury the issue of fact arising upon the pleadings, reserving any question of law arising in the case for subsequent argument and decision, and he and any court to which the case shall thereafter be taken on writ of error shall have the power to direct judgment to be entered either upon the verdict or upon the point reserved, if conclusive, as its judgment upon such point reserved may require.”

The Association will perceive that there are two points involved in that proposed legislation which seem to the committee extremely important. In the first place we all have had this experience: You go to trial, your witnesses are present, and they are examined, and the trial judge decides against you on some point of law. Now, instead of taking a verdict on the questions of fact, including the assessment of damages, he rules on that point of law, and dismisses your case. Then you appeal, and, if the appellate court holds that the trial judge was wrong, they send you back for a new trial. By that time your witnesses are scattered, or, if not, their memory is naturally less clear than at the time of the first trial, because it is more remote. The result is oftentimes that you really do not get justice on your second trial when you would have had it on the first trial. Not only that, but you have had the labor and expense of a second trial, a burden has been put upon your client which in itself is an injustice. Without taking away the power of the

court in a clear case to non-suit, we propose to restore the common law practice of taking a verdict on the disputed questions of fact, when you get before a jury with your witnesses, and then go up on the questions of law.

One member of this committee, Mr. Eastman, of New Hampshire, tells us that they have gone even further in his state, and they will hold a verdict on a question of damages even where a new trial may be ordered for errors in some part of the record not affecting the question of damages. Experience in that state has shown that the procedure we recommend has proved most beneficial.

I will state further that in Wisconsin and in Kansas bills have already been adopted by the legislature substantially on the lines of these recommendations. And I may state that by recent decisions of the Supreme Court of Oklahoma (the Bar of which state had the benefit of a discussion of this subject by our President), and by a recent decision of the Court of Appeals of New York, a similar rule to that contained in the first section has been laid down as a rule of practice in those states. I was very glad to be informed by a member of this committee, Judge Amidon, who, I am sorry to say, is not here, that the Circuit Court of Appeals in the Eighth Circuit has overruled a previous decision of Judge Sanborn, and has substantially adopted the practice which is here commended. All of which goes to show that one of the great advantages of our meetings and of our discussions is the creation of what I may call legal public sentiment.

We have to appeal to the judgment and good sense of the members of the Bar and the judiciary. While it is true that in many cases legislation is desirable and necessary, yet I submit that it is also true that to have public sentiment with you is a matter of great importance in reference to the utilization, if I may use that phrase, of your legislation. We all know that characteristic of the American whom Kipling satirized, that we "flout the law we make." We do sometimes. Sometimes we get a law in advance of public sentiment, and then it is left to be enforced reluctantly, and does not get enforced. So I do not feel that the prolonged discussion in this Association and out of it

has been at all prejudicial to the cause of reform which we have at heart.

One word more and I will have finished that part of the report which covers the first bill that we recommend. Can we hesitate when we are appealed to by the highest court in the most populous state of the union to rectify the condition of things that they state they find under the practice there prevailing. This is a quotation from the opinion of the Court of Appeals of New York, which we make on page 6 of our report:

“There can be no doubt but the learned courts below, both at trial and general term, were actuated in their course by most praiseworthy motives, fully believing that they were promoting good morals, honesty and justice; but the question is, Was their holding in accordance with law?”

It seemed to your committee that it was a monstrous thing in a civilized country to have as an alternative the law on one side opposed to good morals, honesty and justice on the other. Certainly that is not the purpose for which theoretically courts are constituted and judges administer the law, and we hope that it will seem to the Association that your committee has wisely recommended reform in this matter.

Now then, coming to our next recommendation—

The President:

Let me suggest, Mr. Wheeler, that the subject matter of these bills is so different, that it would be better to take them up separately.

Everett P. Wheeler:

That will be entirely agreeable to me, Mr. President.

Therefore, I will move that the first resolution reported by the committee be adopted.

The President:

That is the bill, “Appendix A”?

The motion was seconded.

*(See the Report in the Appendix, page 578.)*



The President:

The question is on the motion of the Chairman of the committee, that the recommendation of the committee approving of the enactment by Congress of the Amended Bill, Appendix A of the report, be adopted.

M. A. Spoonts, of Texas:

I would like to ask the Chairman of the committee a question. By this new section of the proposed bill can the appellate court to which a case is taken order a judgment entered on the verdict or upon the points reserved? Take a personal injury case, involving two or more defenses, and the court only submits one of those issues to the jury. The defense is, we will say, contributory negligence and also assumption of risk on the part of the plaintiff. The court submits the defense of contributory negligence to the jury and that is passed upon, but does not submit to the jury the other defense, although it arises vitally in the case. Can the appellate court render judgment upon the case on the ground that the trial court erred in not submitting the case to the jury?

Everett P. Wheeler:

In the case assumed judgment would certainly have to be that a new trial must be had. Of course, such a case we try to reach by our second section, which points out that such matters should be submitted to the jury even if the judge has doubt about the law, taking the verdict of the jury upon the facts.

M. A. Spoonts:

Then why not add to your recommendation a provision to the effect that a new trial must be granted where the verdict is insufficient to enable the court to enter a final judgment?

Ernest T. Florance, of Louisiana:

I would like to inquire of the Chairman of the committee if the meaning of that section is not that the court may in its discretion do this? Then if the court finds that the exercise of such discretion would not be proper, it could order a new trial.

Everett P. Wheeler:

I think that is what the bill expresses.

M. A. Spoonts:

It seems to me that the intention of this bill is that the case must finally be disposed of one way or the other on the first trial. There is no provision here for granting a new trial. You provide that if the point reserved is conclusive the court may render judgment upon that, but not so if that point be not conclusive. To take another illustration: Suppose a court upon a trial of a case charges that the witnesses of one side are unworthy of belief. Error is assigned upon that charge. The first section of this proposed bill provides that no error committed in the charge of the court shall result in a reversal of the case, unless it appears that the error has caused a miscarriage of justice. Then the burden is upon the losing party to show that a miscarriage of justice has occurred. Would you say because the court had slaughtered your witnesses upon the trial that it necessarily resulted in a miscarriage of justice?

You are widening out into a pretty broad and dangerous field. You are proposing by this legislation not to say that cases are to be tried according to law, but that the ignorance or stupidity of a judge is to be protected by law. That is the sum and substance of this entire report, as I most respectfully submit. If a case is not tried according to the rules of law, correctly speaking, it is not tried at all. It is a misnomer to say that a man has received due process of law when the very judge before whom his case is tried has violated the law of procedure of the court in which the case is being tried. We have been living in recent years in times of popular disturbance and great tribulation, but when these waves of passion that have been sweeping over the country for some years shall have subsided, and when the flaming and militant sword of the President's address has been beaten into a ploughshare, and when the American people begin to understand that the great business interests and industrial concerns of the country are not their enemies, but the basis of their prosperity, then I

assume that this Association would like to remember that during all this turbulent time it was a force to conserve and protect rather than one to destroy.

I, therefore, think that this entire legislation is unwise, but as the Association saw proper at Seattle to pass the first measure that is here proposed favorably, it follows logically that the second measure proposed is essential as a break, insignificant and inefficient though it be, upon the danger lurking within the first. We have had this question before us ever since the distinguished gentleman delivered his celebrated address at St. Paul upon the delinquencies of American courts—and it has occurred to me that if the courts were subject to the criticism that was then made upon them they were truly delinquent, and Judge Mack, of Chicago, could properly take them in charge and administer them through his probation officers. I propose, therefore, in order to remedy what I conceive to be a defect in the bill, an amendment to the second section reading as follows: “Amend by striking out all after the word ‘reserved,’ in Section 2, next to the last line, and insert in lieu thereof, ‘as the justice of the case may require, or grant a new trial where the verdict is insufficient to enable the court to enter a correct final judgment.’”

The amendment was seconded.

James Quarles, of Kentucky:

The entire provision embodied in the second section of the proposed bill is to my mind one of very questionable wisdom, justness or expediency. It seems to me to call for a departure from the most fundamental principles of procedure. It has been urged as the main consideration why the existing statute should be amended in the particular proposed, that frequently it occurs that a litigation is stopped *in limine*, as it were, because one runs afoul of an adverse decision by the trial judge on a question of law presented by the statement of the cause of action; that it is an injustice to such litigant not to allow him to proceed with the trial of his case upon the merits, and that he should be permitted, just as though he had stated a good

cause of action, to go on with the trial, leaving to the appellate court the decision of the question of law involved. It must be freely granted that that is one view to take of the matter; but I submit that it so appears when considered from the viewpoint of the plaintiff only. How does the matter appear when we look at it from the standpoint of a defendant? Is it not equally unjust that a defendant, who is haled into court by a plaintiff who has failed in his petition to allege what the trial court conceives to be a cause of action, should, nevertheless, be put to the trouble and expense of going ahead and trying out the issues of fact, introducing his proof, etc., and finally in the appellate court perhaps win on the question of law, only to find himself relegated to the empty satisfaction of a judgment for costs against an irresponsible plaintiff? I refer more particularly to actions for the recovery of damages for personal injuries, in the large majority of which what I have just said certainly would hold true. I submit that there is nothing unreasonable in requiring that a plaintiff should, to the satisfaction of the trial judge, state a valid cause of action before he is allowed to proceed further and put the defendant to the expense and trouble of more litigation. That is the rule applied to a defendant. If a defendant by his answer interposes a defense which the trial judge holds is not sufficient in law, he must either amend and state a good defense or permit judgment to go by default.

To my mind it would be an injustice to have the law provide that the plaintiff should have any such advantage as is here proposed. Therefore, if the motion be in order, I move as an amendment to the amendment already proposed by the gentleman from Texas that the entire second section of this bill be stricken out.

The amendment to the amendment was seconded.

The President:

That is a mere negative side of the motion already pending, and the Chair rules that it will come up on the question of adopting the motion that is now before the house.

James Quarles:

But, Mr. President, my motion relates solely to the second section of the proposed bill, and not to the bill as a whole.

The President:

That is true, but the Chair rules that we are voting upon this bill section by section.

Stephen H. Allen, of Kansas:

These sections go straight at the evil that has been and is a great reproach to our profession and to the administration of justice in this great country. We may just as well face the proposition now as later that the general consensus of opinion of the people of the United States is opposed to the technicality that so often disposes of trials, and causes retrials, and often trials multiplied many times, because of the disregard of a simple old time-honored rule of procedure that has no foundation and no merit in fact. The amendments that are proposed by this committee seek to place substance above form. We lawyers learn our different systems of procedure, we try to learn the equity rules, the admiralty rules, the bankruptcy rules, the different common law rules and the code rules of all of the different states, in order that we may fit ourselves to practice in the federal courts; but, we are confronted with a chaotic condition so far as the mere rules of procedure are concerned. We are confronted in code states with a multiplicity of minute regulations which require that things shall go through the judicial mill in a twisting and wonderful form—not straight and easily, but with all sorts of hindrances. And after all, what have they to do with the rights of our clients? Absolutely nothing. The gentleman from Texas says that a trial is no trial unless it is according to the forms of law. Of course, I am as strongly attached to a strict adherence to the law as any gentleman here, but I am utterly opposed to having the great profession to which we belong open to the charge of being mere pettifoggers in every court from the lowest to the highest. What are the essentials of procedure? They are the same in all kinds

of actions, viz.: Notice of what your adversary claims, a definite time fixed for trial and hearing, and a fair opportunity to produce your evidence, these are the essentials, and a fair chance to be heard on the law and on the facts before the tribunal, whatever it may be. These essentials being provided, the findings of fact ought to determine the question.

Now let me say, in answer to a suggestion which was made with reference to the exclusion of evidence and the impossibility of the reviewing court determining whether or not the excluded evidence would have turned the scales, and the suggestion also made with reference to the comment of the trial judge on the weight of testimony. In our revised code in Kansas we meet the first objection in this manner: That where a motion for a new trial is based on the exclusion of evidence or on newly discovered evidence, that evidence must be produced by affidavit, deposition or oral testimony, and on the motion for a new trial the whole matter must be passed upon, and the whole excluded evidence as well as admitted evidence goes up for consideration by the reviewing court. I concede that if the reviewing court finds substantial error in the case of a jury trial, then of course nothing can be done except to send the case back for another trial by a jury; but where the evidence is all produced, where the trier of the facts, the jury, has found a verdict in favor of one party and has established a basis of fact, on the submission of the question of fact fairly to the jury, then it is for the reviewing court to say—not on your technical exception, not on your fine point of practice, not on your mere pettifogging theory—whether substantial justice has been done, and if it has been done, that, it seems to me, ought to end the litigation. Parties are entitled to a determination of their rights, and it is a matter of the highest public interest that litigation should come to an end, that the rights of property should be established, and that the parties litigant should be permitted to go on with their business and know upon what basis they are doing it. The speedy determination of law suits is a matter of as much substantiality almost as is the correct determination of them. Another proposition: Looking at it from the standpoint, not of

the man who files a pauper affidavit, but from the standpoint of the ordinary industrious citizen who pays his debts and is able to continue to do so, it is of the utmost importance that the expense of repeated trials, especially the expense of repeated trials in the federal courts, should be obviated.

It seems to me, therefore, that the recommendations of the committee in this report are along the right lines and will tend most effectually to remedy the evils, which are so apparent.

Samuel C. Eastman, of New Hampshire:

Two questions are before the American Bar Association at the present time—at least two have been argued. The first and really the question which is now before the meeting is on the amendment proposed by the gentleman from Texas. That has been very little discussed, but the substance of the section here has been discussed, and the amendment has been overlooked.

I beg leave to call the attention of the meeting to the fact that while I sympathize entirely, as I understand the other members of the committee do, with the position taken by the gentleman from Texas, still it is our opinion that the amendment does not alter the bill. Everything that is proposed by the gentleman from Texas can be done now as the bill stands. Of course, if a judge in the trial of a case so far forgets his duty as to charge the jury grossly and improperly, that would be the occasion for a new trial, because that goes to the whole substance of the case, and the court above could not say either that judgment should be entered upon the verdict or upon the point reserved, because neither would be conclusive under those circumstances, and it would be the duty of the court before whom the question came to send the case back for a new trial.

M. A. Spoonts:

Will the gentleman allow an interruption. Why not make that matter clear in the bill?

Samuel C. Eastman, of New Hampshire:

We think it is clear now, and that the language proposed by the gentleman from Texas would not make it any clearer. The

language used by the committee was adopted after careful consideration and in the expectation that it would accomplish precisely the result that the gentleman from Texas asks.

I ought, perhaps, to stop here, because that is the question that is now before the meeting; but as the other question has been discussed, I will say a few words upon it. This section has been taken to read as if the trial judge was obliged to submit to the jury any question that was presented to him on the trial. The language of the bill is "The trial judge may in any case submit," etc. If the trial judge is of the opinion that the question presented by the pleadings or by the counsel in opening the case is so clear that he ought to grant a non-suit and not allow the case to go any further, it would still be his duty and he would still have the right to order a non-suit. This bill does not oblige the court to go on and submit every question, however trivial or ill-advised it may be, and with however little foundation it may have upon the facts, that counsel states are going to be presented to the jury; but the judge may still order a non-suit or dispose of the case in any way that he could without this bill, and reserve the question of law.

This, it seems to me, answers the position that was taken by the gentleman from Kentucky. He gives the proposed section here more force than it has, and more than the committee which recommend the section for your consideration ever intended that it should have.

S. S. Gregory, of Illinois:

I differ with the very able committee on this subject with some diffidence. It seems to me that this section in the amended form—which I fully agree with the gentleman who has just taken his seat is the same as in the form it is now—is inconsistent with the practice which has obtained in the courts of this country for many years, and which on the whole has tended to the attainment of substantial justice. I think in order to understand the change that is proposed by this law it would be well to recall what the common law is as to special verdicts, and that I understand is the rule as it now obtains in the federal juris-

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diction. At common law a jury in any case instead of rendering a general verdict may return a special verdict in which they shall find all the facts in the case specially, and upon the entry of such verdict it becomes the duty of the court to pronounce such judgment as the law requires. Now it is proposed by this bill to leave it in the power of the court in any case to direct a special verdict. That takes from the jury the power in every case, where the court so elects, to render a general verdict. This section is apparently in terms applicable alike to civil and criminal proceedings, and it would be entirely competent under this section for a federal judge to do exactly what Mansfield did in the case of criminal libel where Erskine earned immortality in defending the right of trial by jury,—compel the jury to find the fact as to whether the defendant was guilty of publishing the libel and deny to the jury the right to pass upon the guilt or innocence of the accused, and then enter judgment as the court might deem proper upon that special verdict.

Gentlemen, if this section is adopted you strike a blow at trial by jury. I will not discuss the first section, although since Mr. Eastman referred to it I may say that under the provisions of that section, no matter how erroneous the charge of the court is, no matter how concededly unsound his ruling upon every question of law submitted on the trial, in any case, civil or criminal, you have no right to redress on error unless the court hearing the writ of error and opening the record, and doing what no federal court ever has done in a law case, or can do under the Constitution of the United States—re-examining the question of fact tried by the jury—shall say, not merely that the trial court has denied to you every right which you were entitled to under the law, but upon an examination of the evidence shall declare that the verdict is against the weight of evidence. Everything that is sought to be accomplished by that is accomplished under the present practice under the rule that error without prejudice does not reverse, and every man of any extended experience in the tribunals of the nation knows how difficult it is upon the points which my learned friend, Judge Allen, of Kansas, referred to, to procure a reversal either in the Supreme Court or in the Court of Appeals.

If the great and laudable purpose of this bill were to abolish pettifoggery, as Judge Allen seems to think, and if I could feel sure that it would result in that end, I should certainly be in favor of it; but that rests with individual members of the Bar; and it is no small part of the high duty of this Association, embracing, as I believe it does, the very flower of the American Bar, to cultivate those lofty traditions and that high spirit of professional conduct which shall in the most effective way minimize and reduce these evils of which there has been just and popular complaint.

Charles W. Smith, of Kansas:

It seems to me that the arguments of those opposed to this proposed law are based upon the idea that they wish a jury to have the power to find the facts, which I understand is the only prerogative of a jury, and also to apply the law in the particular case to those facts.

Our modern practice, while it has assimilated to that condition, is an error. I do not believe it would be taking away the right of trial by jury to say that a jury shall find only the facts and that the court shall apply the law to those facts. The special verdict recognized and upheld under the common law has been enlarged into the general verdict in which the jury under the instructions of the court as to the law applicable to the evidence returns a general verdict finding both upon the facts and the law. I do not believe this is in the interest of justice in many cases. The jury should not be permitted to apply the law in a particular case to the facts, but that should be left to the court itself. Only in that way can we always obtain justice in the trial of law suits. Jurors in some classes of cases will absolutely disregard the instructions of the court. I remember talking to a young lawyer who had a case against a railroad company in which notice of the injury alleged was necessary as a condition precedent to recovery, and the court so instructed the jury. This young lawyer told me that as he was passing by the room where the jury was deliberating that question was being discussed; the foreman of the jury was

an honest man and he sought to follow the instructions of the court, but one of the jurors said that he was in favor of the plaintiff recovering anyway no matter whether the required notice had been given the defendant or not; the foreman said, "We cannot do that, because the court said that service of the notice was prerequisite to the plaintiff's recovery"; then said the other juror, "This man is entitled to recover anyhow, no matter what the court said."

Now, my idea is that in civil jury trials a jury should never be required to find a general verdict; but it should always be required to find the facts generally in the case, and return those facts, and then the judge should pronounce the law of the case upon those facts so found by the jury. For that reason I am in favor of this proposition, and I should be opposed to inserting a provision to the effect that when the judge does this he must render his judgment according to the equities of the case, because it would be giving to the judge too much discretion. It should be according to the law as applicable to the fact so found.

At this point the President relinquished the Chair to Edgar H. Farrar, of Louisiana.

Frederick W. Lehmann, of Missouri:

The general phase of matters presented by the report of this committee is one of particular concern to myself and the representatives present here from the state of Missouri, and is of particular concern also to the gentleman from Texas and the representatives of that state. I am in favor of the trial of every case according to the law of the land. This report does not propose that any case shall be tried otherwise than according to the law of the land. But the report proposes to establish what the law of the land shall be, and to put it upon a different footing from what it is now in some of the states. If the trial judge were so far to disregard the rights of litigants before him as to arrogate to himself the trial of a case which the Constitution gives to a jury, no appellate tribunal would for one moment

hesitate to set aside his judgment; or if he were grossly to invade the province of the jury in the manner indicated by the gentleman from Texas; the same result would follow. We are not dealing with propositions of that kind, nor are those the propositions which imperil the administration of justice in this country.

Let me put in concrete form what is aimed at by this report. A man having a young woman under his protection as his ward ravishes her. Upon indictment by the grand jury and upon trial by a petit jury he is found guilty. Upon appeal the conviction is set aside, because by carelessness of the draughtsman of the indictment or by the oversight of a copyist the definite article *the* was omitted from the concluding phrase of the indictment. Suppose then a similar crime were committed in my neighborhood, and the natural resentment such a crime provokes in the breast of every man would kindle the people to mob violence against the offender. Let me come out and try to quiet that mob and say: "Take not justice into your own hands, but leave it to the orderly administration of the law." What do you think would be the answer? "We have no respect for a law which puts the definite article *the* in sanctity above the chastity of our wives and daughters." That is what is aimed at in this report. That is the purpose of it, to make an end of those things which bring the law into contempt and disrepute, and which make you and me ashamed of it when we are arraigned at the bar of the common sense of mankind. It is a duty that we owe to ourselves and to our country to bring the law of the land into harmony with its good sense and its best conscience. That is the purpose of this bill and no other. We invade no constitutional rights. We simply stand upon the rights of society and insist that they shall be regarded here. I submit that you will deal a severe blow to the utility of this Association if you go upon record as continuing through this generation not the substance of the common law, but the casuistry and frailties imposed upon it in the dark days of the past. It is our duty to relieve the law from them, and that is the purpose of this report.

The Chairman:

The question before the House, gentlemen, is on the amendment offered by the gentleman from Texas as further amended by the gentleman from Kentucky.

James Quarles:

I understood the President to hold, Mr. Chairman, that my amendment was really not an amendment, but that it presented a question which would arise on the motion to adopt the report as a whole.

M. A. Spoons:

As the proposer of the amendment, I wish to say a few words in reply to the remarks of the distinguished gentleman who has just taken his seat.

The Chairman:

One moment. Is this your amendment: To amend by striking out all after the word "reserved," in Section 2, next to the last line, and insert in lieu thereof: "as the justice of the case may require, or to grant a new trial where the verdict is insufficient to enable the court to enter a correct final judgment?"

M. A. Spoons:

Yes, sir; that is the amendment that I proposed.

The Chairman:

The question before the house is on the amendment offered by the gentleman from Texas.

Everett P. Wheeler:

A question was put to me by the gentleman from Texas that some of my associates on the committee think has not been sufficiently answered. I answer it thus: The bill as we propose it does not repeal existing provisions of law in regard to the granting of new trials. Those are all retained. The only effect of the bill is to enlarge the power of the appellate court, but not to subtract from it. If the amendment proposed by the gentleman from Texas were adopted it seems to us that it would restrict

that power. The provision is that a new trial may be granted where the verdict is insufficient to enable the court to render final judgment. But there are other cases in which a new trial could be granted. It seemed to us better not to have any provision in this section on that subject, but to leave it to the existing law.

M. A. Spoonts:

Before the question is put I would like to conclude the discussion on this amendment. My attention has just been called to the fact that there is a section of the federal statute to which this is an addition. I have not the statute before me. The only thing I am seeking to preserve by this amendment is that the judgment of the appellate court, if a right has been denied that was not passed upon by the jury in the case, should be a reversal. The gentlemen who have discussed this entire procedure have not devoted their remarks to a discussion of the question involved in that matter; but in view of the fact that the gentlemen who proposed this measure and who will perhaps submit it to Congress will protect the very point that I had in view in proposing the amendment, and in view of the further fact that they say that my construction of the act is not what they contemplate, I will with the consent of my second withdraw the amendment.

The Chairman:

Then the question before the house is on the motion to approve the provisions of the bill to regulate the judicial procedure of the courts of the United States.

Walter George Smith, of Pennsylvania:

As I understand it, some gentlemen are in favor of Section 1 and are opposed to Section 2. I thought the ruling of the President at the time this debate began was that a vote should be taken upon the bill section by section.

The Chairman:

Is it the pleasure of the house that the question shall be put

as stated by the Chair, or that there shall be a division of the question and each section taken up separately?

Henry H. Ingersoll, of Tennessee:

I think there should be a division, and without debate.

Walter George Smith:

I move that we now take a vote upon Section 1.

Henry H. Ingersoll:

I second that motion.

The motion was adopted.

The Chairman:

The motion is carried, and Section 1 of the bill is now before the house.

Francis Fisher Kane, of Pennsylvania:

I move that Section 1, as recommended by the committee, be now adopted.

Walter George Smith:

I second that motion.

Section 1 was adopted.

The Chairman:

Now the question before the house is Section 2.

Epaphroditus Peck, of Connecticut:

I move the adoption of Section 2.

The motion was seconded.

W. B. Swaney, of Tennessee:

I want to ask whether or not that section is susceptible to the criticism that it is applicable to criminal cases; that the trial judge in any case may submit to the jury the questions of fact arising upon the proofs? If so, I should amend that by saying "civil" cases.

Everett P. Wheeler:

The power to render a general verdict is not taken away by

this section. It applies to criminal cases—to all cases. In any case, civil or criminal, the jury may still render a general verdict.

Section 2 was then adopted.

Everett P. Wheeler:

I would suggest that we vote on all the rest of the sections together, as there is practically no distinction between them. Therefore I move the adoption of Sections 3, 4, 5, 6 and 7.

Henry H. Ingersoll:

I second that motion.

Sections 3, 4, 5, 6 and 7 were adopted.

Levi Turner, of Maine:

I move that the bill as a whole, as reported by the committee and printed, be now adopted.

The motion was seconded.

Everett P. Wheeler:

One of my associates suggests that the adoption of the bill as a whole requires a two-thirds vote. I therefore suggest that the question be taken by a rising vote.

The Chairman:

It has been moved and seconded that the bill be now adopted as a whole. All in favor of that motion will signify their assent by rising—those opposed, by the same sign.

James Quarles, of Kentucky:

I seem to stand alone, and I wish to state that my opposition relates solely to the second section and for the reasons stated by me a while ago.

The motion was adopted.

The Chairman:

The bill as reported by the committee is adopted.

Everett P. Wheeler:

As to the recommendation in Appendix B, the bill to authorize the appointment of stenographers, that bill was drawn



by Mr. Littlefield who had made a very careful study of the subject. Mr. Littlefield informed us that the objection always taken in Congress was the variety in the matter of compensation in the different circuits. Finally the committee adopted the scheme providing that the court in each circuit should appoint an official stenographer or stenographers, and should regulate the compensation at a rate not exceeding that paid by the state court in the particular district or circuit. In that way each circuit adapts its practice to the local practice, and the difficulties which have been encountered in attempts at previous legislation on the subject will be removed—at least, that is the opinion of Mr. Littlefield, and he certainly is a very competent judge.

I might say in answer to the doubt expressed by Judge Amidon of our committee, that the bill has been amended since he first saw it so as to provide for the appointment by the judges of the circuit, not by the circuit judges; so that the district judges will have a voice in the appointments, and practically will be the appointing power.

I move the adoption of this bill.

Amasa M. Eaton, of Rhode Island:

I second the motion.

The Chairman:

It is moved and seconded that the bill to authorize the appointment of stenographers in the courts of the United States, and to fix their duties and compensation, as reported by the committee, be approved.

The motion was adopted.

Everett P. Wheeler:

The next recommendation made by the committee is that the Association approve the provisions of the bill to diminish the expense of proceedings on appeal. That simply does away with the necessity of an intermediate copy of the record, and enables the printed record as it is made up in the first instance to be used as the copy on appeal.

H. A. Bronson, of North Dakota:

I move that it be adopted.

The motion was seconded.

John B. Sanborn, of Wisconsin:

I should like to ask why that is confined to the Supreme Court, and why the Court of Appeals is not included?

Roscoe Pound, of Illinois:

The federal statutes provide that the practice there shall be the same as on appeal to the Supreme Court. Therefore, when this section is attended to, it attends to all the rest.

The Chairman:

It is moved and seconded that the recommendation of the committee asking the Association to adopt the provisions of the bill diminishing the expense of proceedings on appeal be acceded to.

The motion was adopted.

Amasa M. Eaton:

I request the Chair to direct that it be noted that this was a unanimous vote.

The Chairman:

That is so, and the Secretary will so record the vote.

Everett P. Wheeler:

I move the adoption of the resolution printed in the report which continues the committee, and authorizes us to present these matters to Congress.

Amasa M. Eaton:

I second the motion.

The Chairman:

It has been moved and seconded that the committee be continued and instructed to take such steps as it shall deem expedient to procure the passage of the bills here approved by the Congress of United States.

The motion was adopted.

Charles A. Boston, of New York:

There is a sub-division of this report which makes no recommendation, but which calls the attention of the members of the Association to the desirability of unifying our courts. I simply rise to call the attention of the members to the fact that that proposition is receiving special attention at the present time in the State of New Jersey, and that there is an amendment to the Constitution of New Jersey now proposed which has met with the approval of two sessions of the state legislature, and is to be voted on by the people of that state next month, which more radically, as far as I can see, changes the judicial organization in that state than has been done in any other state of the union at any time. I call attention to it in order that those who are interested in the subject may follow it closely. It provides for a single court divided into three departments: one of appeal, one of law, and one of equity. The equity court is to have probate jurisdiction, and the court with the permission of the legislature is to formulate its rules of practice, and provide for transferring cases from one part of the court to another, as justice may require. I think that proposition demands the attention of the members of this Association, as it is the greatest step in advance of judicial organization that I know to have been taken in this country at any time.

Ernest T. Florance, of Louisiana:

I move that the Uniform Bills of Lading Act, prepared by the Conference of Commissioners on Uniform State Laws, be referred to the Committee on Uniform State Laws for consideration and report to this Association.

The Chairman:

If there is no objection it will be so referred.

Ernest T. Florance:

Also the Uniform Transfer of Stock Act.

The Chairman:

Unless there is objection, that act will be so referred. The

Chair hearing no objection, both of the acts mentioned by the gentleman from Louisiana are referred to the Committee on Uniform State Laws.

I am requested to announce that there will be a reception tendered to the members of the Association and the ladies in attendance with them at the Country Club this afternoon beginning at four o'clock.

The Association then adjourned to Friday, August 27, 1909, at 10 A. M.

#### FOURTH DAY.

*Friday, August 27, 1909, 10 A. M.*

The President called the meeting to order.

The President:

The first business in order this morning is the nomination of officers by the General Council. Is the General Council ready to make its report?

P. W. Meldrim, of Georgia:

On behalf of the General Council I have the honor to report the following nominations:

For President: Charles F. Libby, of Maine.

For Secretary: George Whitelock, of Maryland.

For Treasurer: Frederick E. Wadhams, of New York.

For elected members of the Executive Committee: Charles Henry Butler, of New York; William O. Hart of Louisiana; John Hinkley, of Maryland; Ralph W. Breckenridge, of Nebraska; and Lynn Helm, of California.

The Secretary:

The General Council has also made nominations for Vice-Presidents and members of Local Council from each of the states, as follows:

The list of nominations for Vice-Presidents and members of Local Councils was then read by the Secretary.

*(See List of Officers at end of Minutes, pages 158 and 160.)*

The President:

Unfinished business is in order.

The Secretary:

On behalf of the members of the Association from Maryland I desire to nominate Arthur Steuart for the vacancy on the General Council caused by the election of Mr. Whitelock as Secretary.

George Whitelock, of Maryland:

I second that nomination.

The President:

That will stand over until the election of the officers takes place, or, by general consent, it may be acted upon now, it being a nomination to fill a vacancy on the General Council. Is there objection? Hearing no objection, it is so ordered.

H. A. Bronson, of North Dakota:

Mr. President, I desire to offer the following resolution:

*Resolved*, That the advisability of amending the By-laws of this Association by adding thereto Section XVI, hereinafter set forth, be referred to the Committee on Legal Education and Admissions to the Bar, who shall report upon the subject matter of the same at the next annual meeting:

Section XVI. A section of the Association to be known as the Section of Legal Writers is hereby established, which shall meet annually in connection with the meeting of the Association, but not during such hours as the Association is in session. Its object shall be the promotion of the best methods of legal writing and the advancement of American jurisprudence. The section may make recommendations to the Association which shall be referred by the Association to the Committee on Legal Education and Admissions to the Bar. The proceedings of the section may be published at the discretion of the Executive Committee, and on the recommendation of the Committee on Publication. All members of the Association who desire may enroll themselves as members of the section, and all law-publishing persons, firms or corporations shall each be entitled to send a delegate annually to the section, which delegate shall be admitted to all of the privileges of a member thereof during such annual meeting for which he was so appointed. The section shall be organized by

the appointment of a Chairman and Secretary at its first session, and a Chairman and Secretary shall thereafter be elected annually by the section.

As the purpose of introducing this resolution is simply to bring the matter before the Association for reference to the proper committee, and as under Rule 3 it is submitted without debate, I will not further comment upon it at this time.

The President:

The resolution will be received and stands referred to the Committee on Legal Education and Admissions to the Bar, unless there is objection. The Chair hearing no objection, it is so referred.

Elmer E. Rogers, of Illinois:

I wish to move the adoption of a brief resolution, as follows:

*Resolved*, That with the approval of the Executive Committee, a committee of not less than eleven members be appointed by the President to draft Canons of Professional Ethics for the Judiciary.

I move, sir, the reference of this resolution to the Executive Committee:

The President:

The resolution will be received and referred to the Executive Committee.

Francis Rawle, of Pennsylvania:

I have no doubt that it is well known to all the members of the Association that Congress has passed a penal code, which is the revision drafted by the Committee on Revision of the Sixtieth Congress. I understand from the Chairman of that committee, Mr. Moon, who is a member of the Philadelphia Bar, and who has been the most active man in the drafting of the penal code, that he is now proceeding with the other laws of the United States. Of course, that will affect us particularly, because it is his intention to change the technical complexion of the federal courts, doing away with the Circuit and District Courts, and having one court of First Instance, and, of course, the present

Courts of Appeals. Having thus introduced the matter, I offer the following preamble and resolution:

WHEREAS, The House Committee of the Sixtieth Congress on the Revision of Laws has prepared a Penal Code which has been passed by Congress, and is now preparing a revision of the remaining laws, including those relating to the Circuit and District Courts,

*Resolved*, That the Committee on Judicial Administration and Remedial Procedure be directed to confer with the committee of Congress on Revision of the Laws, and to report at the next meeting of the Association upon the progress of the revision, and its opinion of the principles upon which the same is being prepared.

I would have moved the reference of this to a special committee, but the Association has sometimes evinced its thought that the standing committees ought to do the work that is to be done, and, therefore, I have specified the Committee on Judicial Administration and Remedial Procedure.

Ralph W. Breckenridge, of Nebraska:

I second the motion to refer the resolution to the Committee on Judicial Administration and Remedial Procedure.

The President:

The resolution will be received and referred to the Committee on Judicial Administration and Remedial Procedure, with power to carry out the recommendation contained in it.

Elmer E. Rogers, of Illinois:

Mr. President I think it is proper at this time to introduce the following resolution of thanks for the courtesies received by the members attending this meeting:

*Resolved*, That the gratitude of the American Bar Association be, and the same is hereby expressed to the citizens, lawyers, and to the press of Detroit for the courtesy and hospitality extended to the Association at this meeting, which we have all so thoroughly enjoyed.

Thomas P. Carothers, of Kentucky:

I desire to second heartily that resolution.

John C. Richberg, of Illinois:

I rise to make the point of order that all resolutions must be referred under the rules.

The President:

Not resolutions of this kind. Therefore, the point of order is not well taken.

Thomas P. Carothers:

Coming from that part of the Southland that believes it knows something about hospitality, and echoing as I know I do the sentiment of the members of the American Bar Association gathered here from all parts of the country, and enjoying this beautiful city on the grand stream through which flow the waters of the Great Lakes, our hearts will ever turn with fond recollections to the hospitality tendered us by the members of the Detroit Bar Association and by the good people of the City of Detroit. Therefore, sir, it is with extreme pleasure that I second the resolution that has been offered.

The resolution was unanimously adopted by a rising vote.

George R. Young, of Ohio:

I have a resolution which I beg leave to offer and ask to have referred to the appropriate committee:

*Resolved*, That the failure of a person charged with the commission of a crime, and who has given bail for his appearance to present himself for trial as required by the terms of his bail bond or recognizance, should in and of itself be treated as a public offense analogous to jail breaking, and punished either in the same manner as the offense with which such person is charged or in some other appropriate manner commensurate with the gravity of such original offense.

Simeon E. Baldwin, of Connecticut:

I second the resolution.

The President:

The resolution will be received and referred to the Committee on Judicial Administration and Remedial Procedure.



Walter George Smith, of Pennsylvania, offered a minute in recognition of the services of the retiring Secretary, which was duly seconded. Ernest T. Florance, of Louisiana, objected to the passage of the resolution on the ground that it violated the provisions of the sixth By-law of the Association. Upon a vote being had, the resolution was adopted, Mr. Florance voting in the negative for the above reasons. The resolution appears on page 93.

Francis Rawle:

I desire to offer the following resolution:

*Resolved*, That the thanks of the American Bar Association be and they are hereby extended to the Mayor and Common Council of the City of Detroit for the use of the Council Chamber, and to the Hotel Pontchartrain for the use of various rooms in the hotel for the accommodation of the Association.

The resolution was seconded and adopted.

The President:

Is there anything further under the head of Unfinished Business? If not, the next in order is election of officers.

Ernest T. Florance, of Louisiana:

I move that the nominations made by the General Council be now ratified, and that the Secretary be instructed to cast one ballot for the election of the gentlemen nominated.

The motion was seconded and adopted, and the gentlemen nominated by the General Council were duly elected as officers of the Association for the ensuing year.

The President:

It now remains only for me to say a last word to the Association. The gavel which I have here is one which has been in use from the organization of the Association. When we had our meeting at Denver the members of the Colorado Bar Association provided the silver which now furnishes the trimmings of this gavel. Upon the first band there have been inscribed the names of the men who have presided over the Association from the very

beginning, and my name fills up the last space upon the first rim, thus finishing the first cycle in the history of this Association. The name of the gentleman who has been elected to succeed me will be the first name upon the new cycle, and I am sure that the new cycle will be by him worthily begun.

I wish to express to the members of the Association the very deep sense of obligation that I feel for the honor conferred upon me, and I hope that I have in some measure justified it by a conscientious endeavor to discharge the duties of the office.

With this, gentlemen, I declare the Association adjourned.

The Association then adjourned *sine die*.

JOHN HINKLEY,  
*Secretary.*

MINUTE RELATING TO THE SERVICES  
OF  
JOHN HINKLEY

The resolution referred to in the foregoing minutes in recognition of the services of the retiring Secretary is as follows:

John Hinkley, of Baltimore, Maryland, having been for sixteen years the Secretary of the American Bar Association in succession to his father, Edward Otis Hinkley, who held the same office from the beginning of the organization until the year 1893, has declined a re-election. The Association feels that a special minute should be entered upon its records to express its appreciation of Mr. Hinkley's services in the past and its regret at his retirement from office.

Both by the tradition received from his distinguished father, by education and by temperament, John Hinkley has sustained during his long term of office the highest standard of professional excellence in this Association and in all his relations towards it. By his devotion, his industry, his legal knowledge, added to a genial and tactful nature, he has won a place in the estimation of the members of this Association peculiar to himself. During all the years of this work, conducted without ostentation and without the slightest touch of egotism, he has so thoroughly gained our confidence that we are at a loss to know how to make up the void he leaves in our official ranks. While we feel confident that the work of the American Bar Association will always find competent men with lofty ideals to forward it with continued usefulness to the community and to the profession, we realize how difficult it will be to find a successor to Mr. Hinkley so well fitted by character and education for the onerous duties of the secretaryship.

The By-laws of this Association forbid votes of thanks to any member or official, but we desire that this minute shall remain to testify to those who join hereafter in the work of the Association that we have given the only reward in our power and the only reward our retiring Secretary would desire, conveying as it does to him our profound appreciation of his work for the Association and our affection and esteem for him as a lawyer and as a friend.

GEORGE WHITELOCK,  
*Secretary.*

## SECRETARY'S REPORT

DETROIT, MICHIGAN, August 24, 1909.

The report of the proceedings of our last meeting at Seattle, Washington, in August, 1908, has been printed and distributed to all members, and also to all State Bar Associations and legal journals, and to a large number of libraries in the United States and abroad on our mailing-list.

There were 3585 members at the close of the last meeting. One hundred and seventy-three members were elected by the Executive Committee between meetings.

The membership of the Association includes representatives from all of the states and the territories of Alaska, Arizona, Hawaii, New Mexico and the Philippine Islands.

Invitations were sent to all State Bar Associations to send three delegates to this meeting, and to all City and County Bar Associations in states having no State Bar Association, to send two delegates. There are 43 State Bar Associations, 3 Territorial Bar Associations, the Bar Association of the District of Columbia and about 484 Local Bar Associations.

The reports for this year of the Committee on Judicial Administration and Remedial Procedure, the Committee on Commercial Law, the Committee on Patent, Trade-Mark and Copyright Law Relating to Court of Patent Appeals and relating to additional protection of the owners of patents, the Committee on Insurance Law, the Committee on Taxation and the Committee to Suggest Remedies and Formulate Proposed Laws to Prevent Delay and Unnecessary Cost in Litigation, have been printed and distributed to the members by mail, fifteen days before the meeting. The report of the Comparative Law Bureau has been printed for use at the meeting.

A large edition of the Code of Professional Ethics as adopted by this Association was printed after the close of the last meeting, and supplied without cost, in such quantities as were requested, to all State Bar Associations, and reports received show that the Code of Ethics was adopted by a number of the State Associations.

Notices were sent to all members of standing and special committees, requesting their attention to matters referred to such committees.

A register of those in attendance is kept in the reception room. Every member and delegate is requested to sign it as early as convenient. A list of those present will be printed for distribution at the meeting and will also be included in the report of the proceedings. There are copies of the Constitution and By-laws, lists of officers and members of committees, copies of committee reports and forms of nominations for distribution.

The Secretary endeavors to keep the street addresses of all members, and members changing their addresses are requested to notify the Secretary.

Respectfully submitted,

JOHN HINKLEY,  
*Secretary.*

# TREASURER'S REPORT

1908-1909.

*Dr.*

To cash on hand date of last report.....		\$2,882.58
To cash received subscriptions to annual dinner at Seattle, Washington, August, 1908.....		1,130.00
To cash received rebate on wine bill for dinner..		64.50
To cash received from sale of transactions.....		60.50
To cash received from Association of American Law Schools on account of stenographer's bill .....		19.25
To cash received, part of moneys appropriated to Committee on Code of Professional Ethics, not used .....		5.00
To cash received dues of members for 1906 (1) ..	\$5.00	
To cash received dues of members for 1907 (8) ..	40.00	
To cash received dues of members for 1908 (124)	620.00	
To cash received dues of members for 1909 (3023)	15,115.00	
To cash received dues of members for 1910 (27) ..	135.00	
		<hr/> 15,915.00
Total Receipts .....		<hr/> \$20,076.83

## *Credit by Disbursements as Follows:*

1908.

Aug. 27. By cash paid Charles A. Morrison, New York, stenographer, balance of bill for reporting annual meet- ing at Seattle, Washington.....	\$125.00	
28. By cash paid Everett P. Wheeler, New York, to refund his disbursements for the Committee to Suggest Remedies to Prevent Delay in Litigation .....	18.46	
		<hr/>
Carried forward .....	\$143.46	\$20,076.83

# TREASURER'S REPORT.

97

1908.	Brought forward .....	\$143.46	\$20,076.83
Aug. 28.	By cash paid Lowman & Hanford, Seattle, printers, for programs, tickets, lists of members registered at meeting, etc.....	84.00	
29.	By cash paid Continental Distributing Company, Seattle, Washington, bill for wine at dinner.....	464.25	
29.	By cash paid The Rainier Club, Seattle, for annual dinner.....	971.50	
Sept. 16.	By cash paid The Argus Company, Albany, N. Y., for stamped envelopes and miscellaneous printing .....	76.50	
25.	By cash paid Fort Orange Club, Albany, N. Y., for cigars used at annual meeting and dinner.....	142.38	
29.	By cash paid International Printing Company, of Philadelphia, Pa., for bulletins for Comparative Law Bureau .....	300.00	
Oct. 8.	By cash paid John Hinkley, Baltimore, Md., Secretary of Association, to refund his disbursements for clerical assistance, traveling expenses of assistant, stamps, telegrams, printing, stationery, supplies, etc., from September, 1907, to September 30, 1908.....	1,541.09	
13.	By cash paid The Lord Baltimore Press, Baltimore, Md., for miscellaneous printing .....	44.42	
17.	By cash paid J. B. Lyon Company, Albany, N. Y., for miscellaneous printing .....	73.50	
	Carried forward .....	\$3,841.10	\$20,076.83

1908.	Brought forward .....	\$3,841.10	\$20,076.83
Nov. 12.	By cash paid Lord Baltimore Press, Baltimore, Md., for 1250 en- velopes .....	6.50	
12.	By cash paid George H. Buchanan Company, Philadelphia, Pa., for metal, case and packing same for Baltimore .....	8.15	
13.	By cash paid Lord Baltimore Press for printing circular letters and clasp envelopes .....	16.25	
Dec. 2.	By cash paid Lord Baltimore Press for printing pamphlets Canons of Pro- fessional Ethics, mailing portion of same and freight.....	96.70	
2.	By cash paid The Argus Company, Albany, N. Y., for stamped en- velopes, letter heads and notices of dues .....	61.50	
1909.			
Jan. 16.	By cash paid Charles Henry Butler, Washington, D. C., to refund his disbursements in attending meet- ing of Executive Committee at New Orleans, La., Jan. 6, 1909....	93.00	
16.	By cash paid Walter George Smith, Philadelphia, Pa., to refund his disbursements in attending meet- ing of Executive Committee at New Orleans .....	93.46	
18.	By cash paid The Smith Premier Type- writer Company, Albany, N. Y., proportionate share of cost of card index addressograph machine, plates and cabinet.....	128.76	
	Carried forward .....	\$4,345.42	\$20,076.83



TREASURER'S REPORT.

99

1909.	Brought forward .....	\$4,345.42	\$20,076.83
Feb.	1. By cash paid John Hinkley, Baltimore, Md., to refund his disbursements in attending meeting of Executive Committee at New Orleans, La., January 6, 1909.....	85.00	
	3. By cash paid Quayle & Son, Albany, N. Y., engravers, for stationery..	34.00	
	3. By cash paid Hawk & Wetherbee, Hotel Manhattan, New York, for use of room meeting Section of Legal Education, December, 1908.	5.00	
	3. By cash paid Lord Baltimore Press for reprint of paper by Frederick Bausman and express charges....	14.95	
	4. By cash paid Lucien H. Alexander, Philadelphia, Pa., to refund his disbursements on behalf of Section of Legal Education in attending meeting in New York, December, 31, 1908.....	5.40	
	4. By cash paid H. S. Richards, Madison, Wis., to refund his disbursements in attending meeting of Section of Legal Education in New York, December 31, 1908.....	72.41	
	4. By cash paid Charles M. Hepburn, Bloomington, Indiana, to refund his disbursements in attending meeting of Section of Legal Education in New York, December 31, 1908 .....	66.51	
	10. By cash paid Everett P. Wheeler, New York, to refund his disbursements on behalf of Committee to Suggest Remedies to Prevent Delay in Litigation .....	37.06	
	Carried forward .....	\$4,665.75	\$20,076.83

1909.	Brought forward .....	\$4,665.75	\$20,076.83
Feb. 10.	By cash paid Roscoe Pound, Chicago, Ill., to refund his disbursements in attending meeting in New York, January 14, 1909, of Committee to Suggest Remedies to Prevent Delay in Litigation.....	68.50	
10.	By cash paid William E. Mikell, Philadelphia, Pa., to refund his disbursements on behalf of Committee to Suggest Remedies, etc..	21.95	
10.	By cash paid William L. January, Detroit, Mich., to refund his disbursements in attending meeting of Committee to Suggest Remedies, in New York, January 10th to 14th .....	59.20	
10.	By cash paid John D. Lawson, Columbia, Mo., to refund his disbursements in attending meeting in New York, January 14, 1909, of Committee to Suggest Remedies..	93.75	
17.	By cash paid Rome G. Brown, Minneapolis, Minn., to refund his disbursements in attending meeting of Executive Committee at New Orleans, in January, 1909.....	65.00	
24.	By cash paid F. E. Wadhams, Albany, N. Y., to refund his disbursements in attending meeting of Executive Committee at New Orleans.....	125.15	
24.	By cash paid The Argus Company, Albany, for stamped envelopes and printing card on same and index cards .....	23.25	
	Carried forward .....	\$5,122.55	\$20,076.83

## TREASURER'S REPORT.

101

1909.	Brought forward .....	\$5,122.55	\$20,076.83
April 7.	By cash paid E. Moebius, Camden, N. J., furnishing prints of por- traits of President Dickinson for annual report .....	96.00	
29.	By cash paid Selden P. Spencer, St. Louis, Mo., to refund his disburse- ments in attending meeting of Committee on Legal Education at Cincinnati, January, 1909.....	27.50	
29.	By cash paid Roscoe Pound, Chicago, Ill., to refund his disbursements in attending meeting of Com- mittee on Legal Education in Cin- cinnati .....	20.50	
29.	By cash paid Henry Wade Rogers, New Haven, Conn., to refund his disbursements on behalf of the Committee on Legal Education..	65.25	
29.	By cash paid Samuel C. Eastman, Concord, N. H., to refund his dis- bursements on behalf of Com- mittee to Suggest Remedies to Prevent Delay in Litigation and attending hearing before Judi- ciary Committee in Washington..	51.65	
29.	By cash paid Frank Irvine, Ithaca, N. Y., to refund his disbursements in attending meeting in New York of Committee to Suggest Remedies	17.00	
29.	By cash paid Ralph W. Breckenridge, Omaha, Neb., to refund his dis- bursements in attending meeting of Committee on Insurance Law at Washington, D. C., January 21 and 22, 1909.....	70.00	
	Carried forward .....	\$5,470.45	\$20,076.83

1909.	Brought forward .....	\$5,470.45	\$20,076.83
April 29.	By cash paid William H. Burges, of El Paso, Texas, to refund his disbursements in attending meeting of Committee on Insurance Law at Washington, D. C., Jan. 21 and 22, 1909 .....	89.00	
	29. By cash paid Rodney A. Mercur, Towanda, Pa., to refund his disbursements in attending meeting of Committee on Insurance Law at Washington, January 21 and 22, 1909 .....	45.00	
	29. By cash paid Francis B. James, Cincinnati, Ohio, to refund his disbursements in attending meeting of Committee on Commercial Law at Baltimore, December 18, 1908..	43.00	
	29. By cash paid George Whitelock, Baltimore, Md., to refund his disbursements on behalf of Committee on Commercial Law .....	60.48	
	29. By cash paid Ernest T. Florance, New Orleans, La., to refund his disbursements in attending meeting of Committee on Commercial Law at Baltimore, Md., December 18, 1908 .....	71.00	
May 1.	By cash paid The Argus Company, Albany, for furnishing and printing card on 5000 two-cent stamped envelopes for sending out first notice of dues and for returning receipts	118.00	
	18. By cash paid The Argus Company, Albany, for printing notices of dues, dues cards and return envelopes..	32.50	
June 1.	By cash paid William F. Murphy's Sons Company, Philadelphia, Pa., for two receipts books for dues...	13.25	
	Carried forward .....	\$5,942.68	\$20,076.83

## TREASURER'S REPORT.

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1909.	Brought forward .....	\$5,942.68	\$20,076.83
June 3.	By cash paid The Tuttle, Morehouse & Taylor Company, New Haven, Conn., printing circulars, stationery, etc., for committee on Legal Education .....	37.75	
16.	By cash paid The Argus Company, Albany, for furnishing and printing card on 2000 stamped envelopes for sending out second notice of dues, return receipts and 500 return envelopes .....	51.75	
17.	By cash paid Dando Printing & Publishing Company, Philadelphia, Pa., for binders board and printing for Committee on Code of Professional Ethics .....	6.85	
24.	By cash paid Addressograph Company, Chicago, for 344 corrected address plates and 32 plates new members .....	4.32	
28.	By cash paid The Lord Baltimore Press, Baltimore, Md., for printing and binding Vol. 33 of Reports of Proceedings .....	3,824.84	
28.	By cash paid United States Express Company, Baltimore, Md., for shipping Vol. 33 of annual reports to members, exchanges, etc.....	1,234.33	
28.	By cash paid Frederick E. Wadhams, Albany, to refund his disbursements in going to Detroit to make arrangements for annual meeting	41.95	
July 7.	By cash paid Lucien Hugh Alexander, Philadelphia, Pa., to refund his disbursements on behalf of the Committee on Code of Professional Ethics .....	270.47	
Carried forward .....		\$11,414.94	\$20,076.83

1909.	Brought forward .....	\$11,414.94	\$20,076.83
July 7.	By cash paid Thomas Goode Jones, Montgomery, Alabama, to refund his disbursements in attending meeting of Committee on Code of Professional Ethics at Washing- ton, March 30, 1908.....	83.50	
7.	By cash paid Henry St. George Tucker, Lexington, Va., to refund his dis- bursements for Committee on Code of Professional Ethics.....	10.00	
7.	By cash paid Ezra R. Thayer, Boston, Mass., to refund his disbursements in attending meetings of Com- mittee on Code of Professional Ethics .....	51.10	
7.	By cash paid for use of committee room in New York for meeting of Committee on Code of Profes- sional Ethics .....	5.00	
7.	By cash paid Johnson & Prince, Phila- delphia, Pa., for duplicating let- ters, addressing, etc., for Com- mittee on Code of Professional Ethics .....	90.41	
7.	By cash paid The Jenson Press, Phila- delphia, Pa., for postal cards, let- ter heads, etc., for Committee on Code of Professional Ethics.....	54.00	
8.	By cash paid Wolff Brothers, Phila- delphia, for 6500 envelopes for Committee on Code of Profes- sional Ethics .....	8.83	
8.	By cash paid George H. Buchanan Co., Philadelphia, Pa., for printing for Committee on Code of Profes- sional Ethics .....	118.00	
	Carried forward .....	\$11,835.78	\$20,076.83

1909.	Brought forward .....	\$11,835.78	\$20,076.83
July 8.	By cash paid Howe Addressing Company, Philadelphia, Pa., for addressing, folding circulars, postage, etc., for Committee on Code of Professional Ethics.....	73.32	
8.	By cash paid Lucien Hugh Alexander, Philadelphia, to refund his disbursements for traveling expenses, postage, etc., for Committee on Standard Rules for Admission to the Bar, Section of Legal Education .....	83.62	
8.	By cash paid George H. Buchanan & Co., Philadelphia, for printing report of Committee on Standard Rules, Section Legal Education..	9.50	
8.	By cash paid George H. Buchanan Co., Philadelphia, Pa., for printing report for Committee on Code of Professional Ethics .....	132.62	
8.	By cash paid Hollis R. Bailey, Boston, to refund his disbursements in attending meeting in Chicago, June 5, 1909, of Committee on Standard Rules Admission to Bar, Section Legal Education.....	65.75	
13.	By cash paid The Lord Baltimore Press, Baltimore, for printing copies of Canons of Professional Ethics, expressage, packing, etc..	371.59	
15.	By cash paid The Argus Company, Albany, for furnishing and printing card on 800 two-cent stamped envelopes for third notice of dues, receipts, etc. ....	21.00	
	Carried forward .....	\$12,593.18	\$20,076.83

1909.	Brought forward .....	\$12,593.18	\$20,076.83
July 15.	By cash paid The Argus Company, Albany, for printing notices of dues, return cards, letter heads for treasurer and envelopes for secretary .....	29.00	
19.	By cash paid Talcott H. Russell, New Haven, Treasurer of Conference of Commissioners on Uniform State Laws, amount of appropriation...	500.00	
19.	By cash paid The Lord Baltimore Press, printing reports of committees, papers, addresses, etc...	534.42	
20.	By cash paid Arthur Steuart, Baltimore, to refund his disbursements on behalf of Committee on Proposed Copyright Bill.....	95.66	
29.	By cash paid The Argus Company, Albany, for 3800 Columbian clasp envelopes and printing secretary's card on same for sending to members Committee reports.....	38.00	
Aug. 5.	By cash paid John D. Lawson, Columbia, Mo., to refund his disbursements in attending meeting in New York, June 30, 1909, of Committee to Suggest Remedies to Prevent Delay in Litigation.....	59.50	
5.	By cash paid Thomas H. Lipps, New York, for disbursements on behalf of Committee to Suggest Remedies	10.88	
5.	By cash paid The Argus Company, Albany, for furnishing and printing treasurer's card on 500 two-cent stamped envelopes for fourth notice of dues, and for receipts, etc. ....	13.50	
	Carried forward .....	\$13,874.14	\$20,076.83



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1909.	Brought forward .....	\$13,874.14	\$20,076.83
Aug. 16.	By cash paid The Argus Company, Albany, printing letter heads for notices of dues, dinner receipts, tickets and coupons, etc.....	22.00	
17.	By cash paid J. B. Lyon Company, Albany, N. Y., two receipts books for treasurer's use.....	14.00	
18.	By cash paid Frederick E. Wadhams, Albany, N. Y., Treasurer, to refund his disbursements for clerical assistance, traveling expenses of assistant, stationery, postage, telegrams, telephone and miscellaneous expenses during year 1908-1909 .....	1,090.10	
Total Disbursements .....		\$15,000.24	\$20,076.83

*Summary.*

Total Receipts .....	\$20,076.83
Total Disbursements .....	15,000.24
Balance .....	\$5,076.59

Which balance consists of

Amount to credit of Treasurer in the Albany Trust Company....	\$5,043.13
Cash on hand.....	33.46
	\$5,076.59

Respectfully submitted,

FREDERICK E. WADHAMS,

*Treasurer.*

*Dated* DETROIT, MICHIGAN, August 24, 1909.

DETROIT, MICHIGAN, August 24, 1909.

We have examined the foregoing report, and checked it with book account and vouchers, and find the report to be correct.

THOMAS H. REYNOLDS,

JOHN J. HAWKINS,

*Auditing Committee.*

# REPORT

## OF THE

### EXECUTIVE COMMITTEE

DETROIT, MICHIGAN, August 24, 1909.

The Executive Committee respectfully reports that under the last clause of Article IV of the Constitution, providing for the election of members by the Executive Committee between meetings when nominated by a majority of the Vice-President and Local Council, 170 new members were elected. The list is appended to this report.

*(See List of Members Elected, page 134.)*

Your committee further reports that in accordance with By-law XII, appropriations were made for the use of committees for the year 1908-1909, not exceeding the following amounts:

\$500 to Committee on Uniform State Laws.

\$250 to Committee on Patent, Trade-Mark and Copyright Law.

\$300 to Bureau of Comparative Law.

\$300 to Committee on Legal Education and Admissions to the Bar.

\$450 to Section of Legal Education.

\$750 to Committee to Suggest Remedies and Formulate Proposed Laws to Prevent Delay and Unnecessary Cost in Litigation.

\$250 to Committee on Commercial Law.

\$500 to Committee on Code of Professional Ethics.

\$204 to Committee on Insurance Law.

\$95.66 to Committee on Proposed Copyright Bill.

Total appropriations, \$3599.66.

In addition, the sum of \$500 was appropriated for the printing and distribution of copies of the Code of Professional Ethics.

It was resolved by the Executive Committee that the charge for dinner tickets be fixed at \$5.00, the same amount as last year.

The following resolution was adopted in regard to committee meetings and the expenses of committees:

*Resolved*, That the Secretary be instructed to notify the Chairman of all committees of the By-law requiring information to be given to the Executive Committee of all contemplated expenditures; and further, that no appropriations will be made hereafter for any expenses incurred, save in necessary consideration of subjects referred to committees by vote of the Association.

The following subjects were referred to the Executive Committee at the last meeting:

The portion of the President's Address of last year, relating to reorganization of the Association.

The publication of an Association law journal, and the employment of an officer who will devote his entire time to the Association.

Owing to the unavoidable absence of Mr. Dickinson from the meeting in January, and the meeting held August 23, the committee is not yet prepared to report upon these subjects, and asks for further time.

Respectfully submitted,

FREDERICK W. LEHMANN,  
JOHN HINKLEY,  
FREDERICK E. WADHAMS,  
J. M. DICKINSON,  
CHARLES F. LIBBY,  
WALTER GEORGE SMITH,  
ROME G. BROWN,  
WILLIAM O. HART,  
CHARLES HENRY BUTLER,  
*Executive Committee.*

# MEMBERS AND DELEGATES REGISTERED

AT THE

## THIRTY-SECOND ANNUAL MEETING

1909.

FREDERICK W. LEHMANN..... St. Louis, Mo.

*President.*

JOHN HINKLEY ..... Baltimore, Md.

*Secretary.*

FREDERICK E. WADHAMS..... Albany, N. Y.

*Treasurer.*

JACOB M. DICKINSON..... Nashville, Tenn.

CHARLES F. LIBBY..... Portland, Me.

WALTER GEORGE SMITH..... Philadelphia, Pa.

ROME G. BROWN..... Minneapolis, Minn.

WILLIAM O. HART..... New Orleans, La.

CHARLES HENRY BUTLER..... New York, N. Y.

*Executive Committee.*

SIMEON E. BALDWIN..... New Haven, Conn.

FRANCIS RAWLE ..... Philadelphia, Pa.

JAMES HAGERMAN ..... St. Louis, Mo.

GEORGE R. PECK..... Chicago, Ill.

J. M. DICKINSON..... Nashville, Tenn.

*Ex-Presidents.*

ASHLEY COCKRILL ..... Little Rock, Ark.

GEORGE D. WATROUS..... New Haven, Conn.

JOHN L. TYE..... Atlanta, Ga.

JOHN C. RICHBERG..... Chicago, Ill.

MERRILL MOORES ..... Indianapolis, Ind.

JAMES O. CROSBY..... Garnavillo, Iowa.

EDGAR H. FARRAR.....	New Orleans, La.
ALFRED HEMENWAY .....	Boston, Mass.
WILLIAM L. JANUARY.....	Detroit, Mich.
J. R. KEATON.....	Oklahoma City, Okla.
FRANCIS J. O'CONNOR.....	Johnstown, Pa.
M. HERNDON MOORE.....	Columbia, S. C.
JOHN H. VOORHEES.....	Sioux Falls, S. D.
ALBERT W. BIGGS.....	Memphis, Tenn.
R. E. L. SANER.....	Dallas, Texas.
S. GRIFFIN .....	Bedford City, Va.

*Vice-Presidents (1908-1909).*

GEORGE P. HARRISON.....	Opelika, Ala.
JOHN J. HAWKINS.....	Prescott, Arizona Ter.
JOHN FLETCHER .....	Little Rock, Ark.
WALTER R. LEEDS.....	Los Angeles, Cal.
GEO. C. MANLY.....	Denver, Colo.
TALCOTT H. RUSSELL.....	New Haven, Conn.
CHAPIN BROWN .....	Washington, D. C.
R. W. WILLIAMS.....	Tallahassee, Fla.
P. W. MELDRIM.....	Savannah, Ga.
FREMONT WOOD .....	Boise, Ida.
STEPHEN S. GREGORY.....	Chicago, Ill.
WM. P. BREEN.....	Ft. Wayne, Ind.
CHARLES BLOOD SMITH.....	Topeka, Kas.
ARTHUR E. HOPKINS.....	Louisville, Ky.
THOMAS J. KERNAN.....	Baton Rouge, La.
FRANK M. HIGGINS.....	Limerick, Me.
GEORGE WHITELOCK .....	Baltimore, Md.
WM. L. PUTNAM.....	Boston, Mass.
WM. L. JANUARY.....	Detroit, Mich.
JOHN A. LARIMORE.....	Minneapolis, Minn.
JAMES S. SEXTON.....	Hazlehurst, Miss.
JOHN D. LAWSON.....	Columbia, Mo.
FRANCIS A. BROGAN.....	Omaha, Neb.
SAMUEL C. EASTMAN.....	Concord, N. H.
HENRY D. ESTABROOK.....	New York, N. Y.
WM. P. BYNUM, JR.....	Greensboro, N. C.
ANDREW A. BRUCE.....	Grand Forks, N. D.
FRANCIS B. JAMES.....	Cincinnati, Ohio.
J. R. KEATON.....	Oklahoma City, Okla.
WM. H. STAAKE.....	Philadelphia, Pa.
AMASA M. EATON.....	Providence, R. I.
T. MOULTRIE MORDECAI.....	Charleston, S. C.

JOHN H. VOORHEES.....Sioux Falls, S. D.  
 ALBERT W. BIGGS.....Memphis, Tenn.  
 R. E. L. SANER.....Dallas, Texas.  
 S. GRIFFIN .....Bedford City, Va.  
 J. W. VANDERVORT.....Parkersburg, W. Va.  
 LYMAN J. NASH.....Manitowoc, Wis.  
 CHARLES N. POTTER.....Cheyenne, Wyo.

*General Council (1908-1909).*

ENGLAND.

POLLOCK, SIR FREDERICK.....London.

FRANCE.

BARBEY, GEORGES .....Paris.

GERMANY.

VON LEWINSKI, KARL.....Berlin.

CANADA.

ELLIOTT, CHARLES .....Toronto, Ont.

ALABAMA.

BROMBERG, FREDK. G.....Mobile.  
 COOPER, LAWRENCE .....Huntsville.  
 HARRISON, GEO. P.....Opelika.

ARIZONA.

ELLINWOOD, E. E.....Bisbee.  
 HAWKINS, JNO. J.....Prescott.

ARKANSAS.

BLACKWOOD, J. W.....Little Rock.  
 COCKRILL, ASHLEY .....Little Rock.  
 FLETCHER, JOHN .....Little Rock.  
 ROSE, GEORGE B.....Little Rock.  
 WARNER, CHARLES E.....Fort Smith.

CALIFORNIA.

HELM, LYNN .....Los Angeles.  
 KEMP, JOHN W.....Los Angeles.  
 LEEDS, WALTER R.....Los Angeles.

**COLORADO.**

FLEMING, JOHN D.....Boulder.  
 MORGAN, W. B.....Trinidad.  
 MANLY, GEORGE C.....Denver.  
 SMITH, JOHN R.....Denver.

**CONNECTICUT.**

BALDWIN, SIMEON E.....New Haven.  
 HARRIMAN, EDWARD A.....New Haven.  
 LOOMIS, SEYMOUR C.....New Haven.  
 PECK, EPAPHRODITUS .....Bristol.  
 ROGERS, HENRY WADE.....New Haven.  
 RUSSELL, TALCOTT H.....New Haven.  
 WATROUS, GEO. D.....New Haven.  
 WEBB, JAMES H.....New Haven.  
 WRIGHT, WM. A.....New Haven.

**DISTRICT OF COLUMBIA.**

BROWN, CHAPIN .....Washington.  
 CHURCH, MELVILLE .....Washington.  
 DAVIS, HENRY E.....Washington.  
 DOWELL, JULIAN C.....Washington.  
 EDSON, JOSEPH R.....Washington.  
 FENNING, F. A.....Washington.  
 LORENZEN, ERNEST G.....Washington.  
 MCGILL, J. NOTA.....Washington.  
 VANCE, WILLIAM R.....Washington.  
 VAN ORSDER, JOSIAH A.....Washington.

**FLORIDA.**

RINEHART, C. D.....Jacksonville.  
 SIMONTON, F. M.....Tampa.  
 WILLIAMS, R. W.....Tallahassee.

**GEORGIA.**

CUNNINGHAM, JR., T. M.....Savannah.  
 HAMMOND, T. A.....Atlanta.  
 LANE, WILFRED C.....Valdosta.  
 MELDRIM, PETER W.....Savannah.  
 TYE, JOHN L.....Atlanta.  
 WIMBISH, WILLIAM A.....Atlanta.

## IDAHO.

WOOD, FREMONT ..... Boise.

## ILLINOIS.

BANCROFT, EDGAR A. .... Chicago.  
 BARNETT, O. R. .... Chicago.  
 BROWN, FREDERICK A. .... Chicago.  
 BROWN, TAYLOR E. .... Chicago.  
 BURNHAM, TELFORD ..... Chicago.  
 BURROUGHS, B. R. .... Edwardsville.  
 CARTER, ORRIN N. .... Chicago.  
 COSTIGAN, JR., GEO. P. .... Chicago.  
 CROSSLEY, F. B. .... Chicago.  
 CUTTING, CHARLES S. .... Chicago.  
 EASTMAN, SIDNEY C. .... Chicago.  
 EVANS, ARTHUR F. .... Chicago.  
 FREUND, ERNST ..... Chicago.  
 GREGORY, S. S. .... Chicago.  
 GRESHAM, OTTO ..... Chicago.  
 HALL, JAMES PARKER. .... Chicago.  
 HARRIS, A. G. .... Dixon.  
 HUNTER, W. R. .... Kankakee.  
 KERR, ROBERT J. .... Chicago.  
 KRAMER, EDW. C. .... East St. Louis.  
 LANE, EDWARD ..... Hillsboro.  
 LEE, BLEWETT ..... Chicago.  
 LEE, JOHN H. S. .... Chicago.  
 MACCHESNEY, NATHAN WILLIAM. .... Chicago.  
 MACK, JULIAN W. .... Chicago.  
 PAGE, GEO. T. .... Peoria.  
 PARKINSON, ROBERT H. .... Chicago.  
 PECK, GEO. R. .... Chicago.  
 PETERSON, JAMES A. .... Chicago.  
 POUND, ROSCOE ..... Chicago.  
 RECTOR, EDWARD ..... Chicago.  
 RICHARDS, JOHN T. .... Chicago.  
 RICHBERG, JOHN C. .... Chicago.  
 ROGERS, ELMER E. .... Chicago.  
 RUMMLER, WM. R. .... Chicago.  
 STILLMAN, HERMAN W. .... Chicago.  
 STRANN, SILAS H. .... Chicago.  
 WELLS, HOSEA W. .... Chicago.  
 WHITMAN, RUSSELL ..... Chicago.  
 WIGMORE, JOHN H. .... Chicago.



## INDIANA.

ADAMS, ANDREW A.....	Columbia City.
BINGHAM, JAMES .....	Indianapolis.
BLAIR, JESSE H.....	Indianapolis.
BREEN, WILLIAM P.....	Fort Wayne.
DYE, JOHN T.....	Indianapolis.
HANAN, JOHN W.....	La Grange.
HAYMOND, WILLIAM T.....	Muncie.
HEPBURN, CHARLES M.....	Bloomington.
HOGATE, ENOCH G.....	Bloomington.
LA FOLLETTE, J. J. M.....	Bloomington.
LOCKWOOD, V. H.....	Indianapolis.
MARTINDALE, CHARLES .....	Indianapolis.
MOORES, CHARLES W.....	Indianapolis.
MOORES, MERRILL .....	Indianapolis.
MORRIS, JOHN .....	Fort Wayne.
MYERS, Q. A.....	Logansport.
NEWBERGER, LOUIS .....	Indianapolis.
NOEL, JAMES W.....	Indianapolis.
PICKENS, SAMUEL O.....	Indianapolis.
SAYLER, SAMUEL M.....	Huntington.
SIMMS, DAN W.....	Lafayette.
VERNIER, CHESTER G.....	Bloomington.
WOOD, SOL. A.....	Fort Wayne.
WURZER, F. H.....	South Bend.

## IOWA.

BOLLINGER, JAMES W.....	Davenport.
CROSBY, JAMES O.....	Garnavillo.
DEVITT, J. F.....	Muscatine.
DUDLEY, C. A.....	Des Moines.
GREGORY, CHAS. NOBLE.....	State University.
GUERNSEY, NATHANIEL T.....	Des Moines.
HENRY, GEO. F.....	Des Moines.
LANE, WALLACE R.....	Des Moines.
MILLER, JESSE A.....	Des Moines.
MILLIGAN, W. D.....	Guthrie Center.
ORWIG, RALPH .....	Des Moines.

## KANSAS.

ALLEN, STEPHEN H.....	Topeka.
BROWN, W. W.....	Parsons.
GREEN, J. W.....	Lawrence.
SCANDRETT, HENRY C.....	Topeka.

**KANSAS.—Continued.**

SLONECKER, J. G.....	Topeka.
SMITH, CHAS. BLOOD.....	Topeka.
SMITH, C. W.....	Stockton.
WALKER, PAUL E.....	Topeka.

**KENTUCKY.**

CAROTHERS, THOS. P.....	Newport.
GATES, JOHN C.....	Princeton.
HOPKINS, ARTHUR E.....	Louisville.
JEFFRIES, JAMES H.....	Pineville.
QUARLES, JAMES .....	Louisville.
REED, W. M.....	Paducah.
TOMLIN, JOHN G.....	Walton.
WILLSON, AUGUSTUS E.....	Frankfort.

**LOUISIANA.**

BROWNE, E. WAYLES.....	Shreveport.
CARBOLL, JOSEPH W.....	New Orleans.
CHAFFE, D. B. H.....	New Orleans.
FARRAR, EDGAR H.....	New Orleans.
FLORANCE, ERNEST T.....	New Orleans.
HART, W. O.....	New Orleans.
KERNAN, THOS. J.....	Baton Rouge.
LEAKE, HUNTER C.....	New Orleans.
QUINTERO, LAMAR C.....	New Orleans.
THORNTON, J. R.....	Alexandria.
WALDO, JOHN F. C.....	New Orleans.

**MAINE.**

HIGGINS, FRANK M.....	Limerick.
LIBBY, CHARLES F.....	Portland.
INGRAHAM, WM. M.....	Portland.
TURNER, LEVI .....	Portland.

**MARYLAND.**

BURGER, LOUIS J.....	Baltimore.
DAWKINS, WALTER I.....	Baltimore.
HINKLEY, JOHN .....	Baltimore.
RITCHIE, ALBERT C.....	Baltimore.
STEUART, ARTHUR .....	Baltimore.
WHITELOCK, GEORGE .....	Baltimore.

## MASSACHUSETTS.

AMES, JAMES BARR.....	Cambridge.
BAILEY, HOLLIS R.....	Cambridge.
BARNES, JR., CHAS. B.....	Boston.
FRIEDMAN, LEE M.....	Boston.
HEMENWAY, ALFRED .....	Boston.
IRWIN, RICHARD W.....	Northampton.
NILES, WM. H.....	Lynn.
PUTNAM, W. L.....	Boston.
SHEPARD, HARVEY N.....	Boston.
VOORHEES, HARVEY C.....	Boston.
WRIGHTINGTON, S. P.....	Boston.

## MICHIGAN.

ALTLAND, D. F.....	Detroit.
BARLOW, B. E.....	Coldwater.
BARNETT, JAMES F.....	Grand Rapids.
BATES, GEORGE W.....	Detroit.
BATES, HENRY M.....	Ann Arbor.
BISSELL, JOHN H.....	Detroit.
BLACK, C. P.....	Lansing.
BOUDEMAN, DALLAS .....	Kalamazoo.
BREWSTER, JAMES H.....	Ann Arbor.
BUNCKER, ROBT. E.....	Ann Arbor.
CAMPBELL, CHARLES H.....	Detroit.
CARPENTER, WM. L.....	Detroit.
CHAPPELL, FRED. L.....	Kalamazoo
DOUGLAS, SAMUEL T.....	Detroit.
GAGE, ALEXANDER K.....	Detroit.
GRAY, R. T.....	Detroit.
GRAY, WILLIAM J.....	Detroit.
HANCHETT, BENTON .....	Saginaw.
HATCH, WILLIAM B.....	Ypsilanti.
HAYDEN, ASA K.....	Cassopolis.
JANUARY, WM. L.....	Detroit.
JONES, ARTHUR .....	Detroit.
KEENA, J. T.....	Detroit.
KELLIE, RONALD S.....	Detroit.
LACY, ARTHUR J.....	Detroit.
LANDMAN, WM. J.....	Grand Rapids.
LIGHTNER, CLARENCE A.....	Detroit.
LYSTER, HENRY L.....	Detroit.
MILLIS, WADE .....	Detroit.
MOORE, JOSEPH B.....	Lansing.

## MICHIGAN.—Continued.

MCNEIL, WALTER C.....	Detroit.
NEWTON, F. W.....	Saginaw.
PALMER, JR., JONATHAN.....	Detroit.
PATTERSON, JOHN C.....	Marshall.
ROOD, JOHN R.....	Ann Arbor.
SMITH, WILLIAM M.....	St. Johns.
STIVERS, FRANK A.....	Ann Arbor.
STONE, JOHN W.....	Marquette.
SWIFT, CHAS. M.....	Detroit.
WAIT, HARRY H.....	Detroit.
WEADOCK, THOMAS A. E.....	Detroit.
WHITTEMORE, JAMES .....	Detroit.
WILGUS, H. L.....	Ann Arbor.
WILKINS, CHARLES T.....	Detroit.
WILLIAMS, ARTHUR B.....	Battle Creek.
WILSON, CHAS. M.....	Grand Rapids.
WOODBUFF, CHARLES M.....	Detroit.
WOLF, G. A.....	Grand Rapids.
WURZER, LOUIS C.....	Detroit.

## MINNESOTA.

BROWN, ROME G.....	Minneapolis.
BUFFINGTON, E. D.....	Stillwater.
DEUTSCH, HENRY .....	Minneapolis.
LABIMORE, J. A.....	Minneapolis.
LAYBOURN, CHAS. G.....	Minneapolis.
MASON, ALFRED F.....	St. Paul.
PATTERSON, ELMER C.....	Marshall.
THOMPSON, CHARLES T.....	Minneapolis.

## MISSISSIPPI.

ALLEN, JOHN M.....	Tupelo.
ANDERSON, GEO. ....	Vicksburg.
HOUSTON, D. W.....	Aberdeen.
MILLER, R. N.....	Hazlehurst.
SEXTON, J. S.....	Hazlehurst.
SHANDS, A. W.....	Sardis.
STOVALL, A. T.....	Okalona.

## MISSOURI.

ALLEN, CHARLES CLAFLIN.....	St. Louis.
BECK, GEORGE F.....	St. Louis.
BLAIR, ALBERT .....	St. Louis.

**MISSOURI.—Continued.**

CURTIS, WM. S.....	St. Louis.
ELLISON, EDWARD D.....	Kansas City.
GENTRY, NORTH T.....	Columbia.
GREENSFELDER, BERNARD .....	St. Louis.
HAGERMAN, JAMES .....	St. Louis.
HILL, HENRY C.....	Columbia.
HINTON, E. W.....	Columbia.
HOCKER, LOU O.....	St. Louis.
KAMMERER, ARTHUR E.....	St. Louis.
KEHR, EDW. C.....	St. Louis.
LAWSON, JOHN D.....	Columbia.
LEHMANN, FREDERICK W.....	St. Louis.
MADISON, C. C.....	Kansas City.
MAHAN, GEO. A.....	Hannibal.
PIKE, VINTON .....	St. Joseph.
POWELL, ELMER N.....	Kansas City.
REYNOLDS, THOMAS H.....	Kansas City.
ROBBINS, A. H.....	St. Louis.
ROBERTSON, GEORGE .....	Mexico.
SPENCER, SELDEN P.....	St. Louis.
STREET, THOMAS A.....	Columbia.
TAYLOR, HOWARD .....	St. Louis.
TAYLOR, SENECA N.....	St. Louis.
TITUS, FRANK .....	Kansas City.

**NEBRASKA.**

BAXTER, IRVING F.....	Omaha.
BRECKENRIDGE, RALPH W.....	Omaha.
BROGAN, FRANCIS A.....	Omaha.
HASTINGS, W. G.....	Lincoln.
KEYES, H. W.....	Indianola.
KINSLER, J. C.....	Omaha.
WAKELEY, E. ....	Omaha.
WOODS, FRANK H.....	Lincoln.

**NEW HAMPSHIRE.**

COLBY, JAMES F.....	Hanover.
EASTMAN, SAMUEL C.....	Concord.

**NEW JERSEY.**

LYON, ADRIAN .....	Perth Amboy.
PARKER, RICHARD WAYNE.....	Newark.
- SHERMAN, GORDON E.....	Morristown.

## NEW YORK.

ADAMS, ELBRIDGE L.....	New York.
BOSTON, CHARLES A.....	New York.
BURDICK, FRANCIS M.....	New York.
BUTLER, CHAS. HENRY.....	New York.
DANAHER, FRANKLIN M.....	Albany.
ESTABROOK, HENRY D.....	New York.
HAYES, JR., ALFRED.....	Ithaca.
IRVINE, FRANK .....	Ithaca.
MCCRARY, A. J.....	Binghamton.
MCKINNEY, W. M.....	Northport.
MACK, WILLIAM .....	New York.
RONAN, E. D.....	Albany.
SUMERWELL, EDWARD K.....	New York.
SUTRO, THEODORE .....	New York.
TERRY, CHARLES THADDEUS.....	New York.
VAN ALLEN, JOHN W.....	Buffalo.
WADHAMS, FREDERICK E.....	Albany.
WATERS, LOUIS L.....	Syracuse.
WHEELER, EVERETT P.....	New York.
WILCOX, ANSLEY .....	Buffalo.

## NORTH CAROLINA.

BROOKS, AUBREY L.....	Greensboro.
BYNUM, JR., WM. P.....	Greensboro.
ROLLINS, THOMAS S.....	Asheville.

## NORTH DAKOTA.

BRONSON, H. A.....	Grand Forks.
BRUCE, ANDREW A.....	Grand Forks.

## OHIO.

COUSE, HOWARD A.....	Cleveland.
FOLLETT, A. D.....	Marietta.
GEDDES, F. L.....	Toledo.
HADDEN, ALEXANDER .....	Cleveland.
HINES, CLARK B.....	Mansfield.
JAMES, BENJAMIN F.....	Bowling Green.
JAMES, FRANCIS BACON.....	Cincinnati.
JOHNSON, H. H.....	Cleveland.
KING, ROBERT J.....	Zanesville.

**OHIO.—Continued.**

KNIGHT, WALTER A.....	Cincinnati.
MCCARTER, EDWARD B.....	Columbus.
MCMAHON, J. SPRIGG.....	Dayton.
McSWEENEY, JOHN .....	Wooster.
MULLINS, F. J.....	Salem.
ROGERS, W. P.....	Cincinnati.
SPEAR, WILLIAM T.....	Columbus.
TAFT, FREDERICK L.....	Cleveland.
VAN DEMAN, JOHN N.....	Dayton.
YOUNG, GEORGE R.....	Dayton.

**OKLAHOMA.**

AMES, C. B.....	Oklahoma City.
JACKSON, CLIFFORD L.....	Muskogee.
KEATON, J. R.....	Oklahoma City.
WELLS, FRANK .....	Oklahoma City.

**PENNSYLVANIA.**

ALEXANDER, LUCIEN HUGH.....	Philadelphia.
FISHER, WM. RIGHTER.....	Philadelphia.
FREDERICKS, J. T.....	Williamsport.
GRAY, JAMES C.....	Pittsburg.
HAZZARD, VERNON .....	Monongahela.
HENSEL, W. U.....	Lancaster.
KANE, FRANCIS FISHER.....	Philadelphia.
LINDSEY, EDWARD .....	Warren.
MERCUR, RODNEY A.....	Towanda.
MIKELL, WILLIAM E.....	Philadelphia.
NEILSON, WILLIAM D.....	Philadelphia.
O'CONNOR, FRANCIS J.....	Johnstown.
RAWLE, FRANCIS .....	Philadelphia.
RICE, WM. E.....	Warren.
ROGERS, JOHN I.....	Philadelphia.
SHICK, ROBERT P.....	Philadelphia.
SMITH, WALTER GEORGE.....	Philadelphia.
SMITHERS, WM. W.....	Philadelphia.
SNODGRASS, ROBERT .....	Harrisburg.
STAAKE, WILLIAM H.....	Philadelphia.
STEELE, H. J.....	Easton.
STEWART, R. C.....	Easton.
THOMPSON, A. M.....	Pittsburg.
WILLIAMS, J. HENRY.....	Philadelphia.

## RHODE ISLAND.

EATON, AMASA M..... Providence.

## SOUTH CAROLINA.

HERBERT, R. B..... Columbia.  
 HYDE, SIMEON ..... Charleston.  
 LYLES, WM. H..... Columbia.  
 MOORE, M. H..... Columbia.  
 MORDECAI, T. MOULTRIE..... Charleston.  
 THOMAS, JR., JNO. PEYRE..... Columbia.

## SOUTH DAKOTA.

TAYLOR, ALVA E..... Huron.  
 VOORHEES, JOHN H..... Sioux Falls.

## TENNESSEE.

ANDERSON, JAMES H..... Chattanooga.  
 BANKS, LEM. .... Memphis.  
 BIGGS, ALBERT W..... Memphis.  
 BROWN, FOSTER V..... Chattanooga.  
 CAMP, E. C..... Knoxville.  
 COOPER, WILLIAM T..... Chattanooga.  
 DICKINSON, J. M..... Nashville.  
 INGERSOLL, HENRY H..... Knoxville.  
 PERCY, W. A..... Memphis.  
 SANFORD, EDWARD T..... Knoxville.  
 STEEN, J. M..... Memphis.  
 SWANEY, W. B..... Chattanooga.

## TEXAS.

BURGES, WM. H..... El Paso.  
 GLASS, HIRAM ..... Texarkana.  
 McLAURIN, LAUCH ..... Austin.  
 SANER, R. E. L..... Dallas.  
 SPOONTS, M. A..... Fort Worth.  
 TOWNES, JNO. C..... Austin.  
 WOODS, J. H..... Corsicana.

## UTAH.

HOLLINGSWORTH, CHAS. R..... Ogden.

## VERMONT.

BUTLER, F. M..... Rutland.



VIRGINIA.

CHRISTIAN, FRANK P.....Lynchburg.  
CLARK, WM. L.....Winchester.  
COCKE, LUCIAN H.....Roanoke.  
GRIFFIN, S. ....Bedford City.  
HUGHES, ROBT. M.....Norfolk.

WASHINGTON.

TANNER, W. V.....Seattle.

WEST VIRGINIA.

GOODYKOONTZ, WELLS .....Williamson.  
VANDERVOET, JAMES W.....Parkersburg.  
WILLIS, M. H.....New Martinsville.

WISCONSIN.

NASH, L. J.....Manitowoc.  
RICHARDS, H. S.....Madison.  
SANBORN, JOHN B.....Madison.

WYOMING.

✓ MULLEN, W. E.....Cheyenne.  
POTTER, CHARLES N.....Cheyenne.

Total, 389.

**DELEGATES**  
**FROM**  
**STATE AND LOCAL BAR ASSOCIATIONS**  
**1909.**

**ALABAMA STATE BAR ASSOCIATION.**

JOSEPH H. NATHAN..... Sheffield.  
A. G. SMITH..... Birmingham.  
E. L. RUSSELL..... Mobile.

**COLORADO BAR ASSOCIATION.**

GEORGE C. MANLY..... Denver.  
JOHN D. FLEMING..... Boulder.  
JOHN R. SMITH..... Denver.

**STATE BAR ASSOCIATION OF CONNECTICUT.**

TALCOTT H. RUSSELL..... New Haven.  
EDWARD A. HARRIMAN..... New Haven.  
WILLIAM A. WRIGHT..... New Haven.

**BAR ASSOCIATION OF THE DISTRICT OF COLUMBIA.**

MELVILLE CHURCH ..... Washington.  
CHAPIN BROWN ..... Washington.  
HENRY E. DAVIS..... Washington.

**GEORGIA BAR ASSOCIATION.**

BENJAMIN H. HILL..... Atlanta.  
ROBERT C. ALSTON..... Atlanta.  
JOEL E. SWEAT..... Waycross.

**ILLINOIS STATE BAR ASSOCIATION.**

E. C. KRAMER..... East St. Louis.  
GEORGE T. PAGE..... Peoria.  
JOHN F. VOIGT..... Mattoon.

## STATE BAR ASSOCIATION OF INDIANA.

DANIEL W. SIMMS.....Lafayette.  
 JOHN W. KEEN.....Indianapolis.  
 MERRILL MOORES .....Indianapolis.

## IOWA STATE BAR ASSOCIATION.

JAMES W. BOLLINGER.....Davenport.  
 JESSE A. MILLER.....Des Moines.  
 W. D. MILLIGAN.....Guthrie Center.

## BAR ASSOCIATION OF THE STATE OF KANSAS.

J. B. LARIMER.....Topeka.  
 WILLIAM E. HIGGINS.....Lawrence.  
 S. N. HAWKES.....Stockton.

## KENTUCKY STATE BAR ASSOCIATION.

THOMAS P. CAROTHERS.....Newport.  
 W. M. REED.....Paducah.  
 JAMES QUARLES .....Louisville.

## LOUISIANA BAR ASSOCIATION.

LAMAR C. QUINTERO.....New Orleans.  
 J. C. PUGH.....Shreveport.  
 DON CAFFEY, JR.....Franklin.

## MASSACHUSETTS.

## BAR ASSOCIATION OF HAMPDEN COUNTY.

CHARLES C. SPELLMAN.....Springfield.  
 STEPHEN S. TAFT, JR.....Springfield.

## FALL RIVER BAR ASSOCIATION.

EDWARD HIGGINSON .....Fall River.  
 WILLIAM C. GRAY.....Fall River.

## MICHIGAN STATE BAR ASSOCIATION.

ARTHUR C. DENNISON.....Grand Rapids.  
 HENRY C. SMITH.....Adrian.  
 WATTS S. HUMPHREY.....Saginaw.

## MISSISSIPPI STATE BAR ASSOCIATION.

J. S. SEXTON.....Hazelhurst.  
 D. W. HOUSTON.....Aberdeen.  
 A. W. SHANDS.....Sardis.

## MISSOURI BAR ASSOCIATION.

ROBERT T. RAILEY..... Harrisonville.  
SELDEN P. SPENCER..... St. Louis.  
N. T. GENTRY..... Columbia.

## NEW JERSEY STATE BAR ASSOCIATION.

JOHN R. EMERY..... Morristown.  
JOHN R. HARDIN..... Newark.  
CLARENCE L. COLE..... Atlantic City.

## NEW YORK STATE BAR ASSOCIATION.

CHARLES A. BOSTON..... New York.  
LOUIS L. WATERS..... Syracuse.  
ANSLEY WILCOX ..... Buffalo.

## NORTH CAROLINA BAR ASSOCIATION.

A. L. BROOKS..... Greensboro.  
SOLOMON GALLERT ..... Rutherfordton.  
THOMAS S. ROLLINS..... Asheville.

## OHIO STATE BAR ASSOCIATION.

WILLIAM T. SPEAR..... Warren.  
JOHN H. VAN DEMAN..... Dayton.  
JOHN MCSWEENEY ..... Wooster.

## PENNSYLVANIA BAR ASSOCIATION.

JOHN I. ROGERS ..... Philadelphia.  
J. HENRY WILLIAMS..... Philadelphia.  
FRANCIS J. O'CONNOR..... Johnstown.

## SOUTH DAKOTA BAR ASSOCIATION.

CURTIS H. WINSOR..... Sioux Falls.  
ALVA E. TAYLOR..... Huron.  
CHAMBERS KELLAR ..... Lead.

## BAR ASSOCIATION OF TENNESSEE.

PERCY D. MADDIN..... Nashville.  
FOSTER V. BROWN..... Chattanooga.

## STATE BAR ASSOCIATION OF UTAH.

C. R. HOLLINGSWORTH..... Ogden.

## VIRGINIA STATE BAR ASSOCIATION.

MICAJAH WOODS ..... Charlottesville.  
WM. M. LILE..... Charlottesville.  
J. NORMENT POWELL..... Johnson City,  
Tennessee.

## WASHINGTON STATE BAR ASSOCIATION.

CHARLES E. SHEPARD..... Seattle.  
W. V. TANNER..... Olympia.  
WALTER CHRISTIAN ..... Tacoma.

## WEST VIRGINIA BAR ASSOCIATION.

W. GORDON MATHEWS..... Charleston.  
WELLS GOODYKOONTZ ..... Williamson.  
T. P. JACOBS..... New Martinsville.

**MEMBERS ELECTED**  
**AT THE**  
**THIRTY-SECOND ANNUAL MEETING**  
**1909.**

**ARIZONA.**

Cox, Frank ..... Phoenix.

**ARKANSAS.**

Blackwood, John W. .... Little Rock.

**CALIFORNIA.**

Dockweiler, Isidore B. .... Los Angeles.

Kemp, John W. .... Los Angeles.

**CONNECTICUT.**

Anderson, Edwin G. .... Hartford.

Andrews, James P. .... Hartford.

Bronson, Nathaniel R. .... Waterbury.

Chase, Warren D. .... Hartford.

Cummings, Homer S. .... Stamford.

Davenport, Daniel ..... Bridgeport.

Fay, Frank S. .... Meriden.

FitzGerald, David E. .... New Haven.

Gight, John H. .... South Norwalk.

Herman, Samuel A. .... Winsted.

Hull, Hadlai A. .... New London.

McGuire, Frank L. .... New London.

Mathewson, Albert McClellan. .... New Haven.

Pelton, Charles A. .... Clinton.

Taylor, Frederick C. .... Stamford.

Thomas, Edwin S. .... New Haven.

Williams, Frederic M. .... New Milford.

**DISTRICT OF COLUMBIA.**

Dowell, Arthur E. .... Washington.

## GEORGIA.

GIGNILLIAT, WILLIAM L..... Savannah.  
 HAMMOND, THEODORE A..... Atlanta.  
 LANE, WILFRED C..... Valdosta.  
 SMITH, ALEXANDER W., SR..... Atlanta.  
 SMITH, VICTOR LAMAR..... Atlanta.

## IDAHO.

AILSHIE, JAMES F..... Boise.  
 BLAKE, JOHN J..... Boise.  
 BORAH, WILLIAM E..... Boise.  
 CAGE, MILTON G..... Boise.  
 CAVANAH, CHARLES C..... Boise.  
 DAVIDSON, WILLIAM B..... Boise.  
 HAWLEY, JAMES H..... Boise.  
 HAYS, SAMUEL H..... Boise.  
 McDUGALL, D. C..... Malad City.  
 MACLANE, JOHN F..... Moscow.  
 NUGENT, JOHN F..... Boise.  
 PENCE, JOSEPH T..... Boise.  
 PERKY, KIRTLAND I..... Boise.  
 RICHARDS, JAMES H..... Boise.  
 RUICK, NORMAN M..... Boise.  
 WYMAN, FRANK T..... Boise.  
 WYMAN, HARRY C..... Boise.

## ILLINOIS.

BELT, WILLIAM O..... Chicago.  
 BROWN, PAUL ..... Chicago.  
 HILL, JOHN W..... Chicago.  
 KERR, ROBERT J..... Chicago.  
 LINTHICUM, CHARLES C..... Chicago.  
 MORE, CLAIRE E..... Chicago.  
 O'CONNOR, CHARLES J..... Chicago.  
 RUMMLER, WILLIAM R..... Chicago.  
 THOMASON, FRANK D..... Chicago.

## INDIANA.

ADAMS, ANDREW ADDISON..... Columbia City.  
 HAYMOND, WILLIAM T..... Muncie.  
 WURZER, F. HENRY..... South Bend.

## IOWA.

BOLLINGER, JAMES WILLS.....	Davenport.
HENRY, GEORGE F.....	Des Moines.
MILLER, JESSE A.....	Des Moines.
PARRISH, ROBERT L.....	Des Moines.
PERRY, EUGENE D.....	Des Moines.
WALLINGFORD, JOHN D.....	Des Moines.

## KANSAS.

McCLINTOCK, W. S.....	Topeka.
WALKER, PAUL E.....	Topeka.

## KENTUCKY.

ANDERSON, THORNWELL G.....	Middlesboro.
AYRES, WILLIAM .....	Pineville.
DAVIS, WILLIAM T.....	Pineville.
LEWIS, WILLIAM .....	London.
METCALF, CHARLES W.....	Pineville.
PATTERSON, NEWTON REID.....	Pineville.

## LOUISIANA.

ANSLEY, H. M.....	New Orleans.
BROWNE, E. WAYLES.....	Shreveport.
DUBUISSON, E. B.....	Opelousas.
FENNER, CHARLES PAYNE.....	New Orleans.
PUGH, JOHN C.....	Shreveport.
SKINNER, EDWARD K.....	New Orleans.
THILBORGER, EDWARD J.....	New Orleans.
WHITE, H. H.....	Alexandria.

## MASSACHUSETTS.

BOND, LAWRENCE .....	Boston.
HUTCHINGS, HENRY M.....	Boston.
VOORHEES, HARVEY C.....	Boston.

## MICHIGAN.

ANTISDEL, JOHN P.....	Detroit.
BALDWIN, CLARK E.....	Adrian.
BANCKER, ENOCH .....	Jackson.
BROWNSON, ROBERT M.....	Detroit.
CHOATE, WARD N.....	Detroit.



## MICHIGAN.—Continued.

CLARK, JOSEPH H.....	Detroit.
CORLISS, JOHN B.....	Detroit.
COVELL, GEORGE V.....	Traverse City.
CROSS, GEORGE H.....	Traverse City.
DICKINSON, JULIAN G.....	Detroit.
EMMONS, HAROLD H.....	Detroit.
ENGELHARD, CHARLES .....	Detroit.
FELLOWS, GRANT .....	Hudson.
FULLER, JAY .....	Detroit.
GAGE, ALEXANDER K.....	Detroit.
GRAVES, HENRY B.....	Detroit.
HARWARD, FREDERICK T.....	Detroit.
HATCH, HARVEY B.....	Marquette.
HATCH, WILLIAM B.....	Ypsilanti.
HAYDEN, ASA K.....	Cassopolis.
JENKINS, FRANK E.....	Oxford.
JONES, ARTHUR .....	Detroit.
JOSLYN, CHARLES D.....	Detroit.
KEENA, JAMES T.....	Detroit.
KINNANE, JAMES H.....	Dowagiac.
KNAPPEN, STUART E.....	Grand Rapids.
LACY, ARTHUR J.....	Detroit.
LILLIE, WALTER I.....	Grand Haven.
McHUGH, PHILIP A.....	Detroit.
McMILLAN, PHILIP H.....	Detroit.
MILLER, SIDNEY T.....	Detroit.
NEWTON, FREDERICK W.....	Saginaw.
OXTOBY, JAMES V.....	Detroit.
OXTOBY, WALTER E.....	Detroit.
PETER, JAMES B.....	Saginaw.
ROBERTSON, CHARLES R.....	Detroit.
SABIN, LELAND H.....	Battle Creek.
SCHIAPPACASSE, JOSEPH T.....	Detroit.
SELLING, BERNARD B.....	Detroit.
SMITH, HENRY C.....	Adrian.
SMITH, WILLIAM M.....	St. Johns.
STIVERS, FRANK A.....	Ann Arbor.
STODDARD, ELLIOTT J.....	Detroit.
TAGGART, GANSON .....	Grand Rapids.
WEBSTER, CLYDE I.....	Detroit.
WICKER, W. W.....	Detroit.
WILKINS, CHARLES T.....	Detroit.

## MICHIGAN.—Continued.

WILKINSON, ALBERT H.....	Detroit.
WILLIAMS, ARTHUR B.....	Battle Creek.
WOODRUFF, CHARLES M.....	Detroit.
WURZER, LOUIS C.....	Detroit.

## MISSISSIPPI.

HOUSTON, DAVID W.....	Aberdeen.
SHANDS, A. W.....	Sardis.

## MISSOURI.

DAVIS, J. LIONBERGER.....	St. Louis.
LEHMANN, SEARS .....	St. Louis.
ROBBINS, ALEXANDER H.....	St. Louis.

## NEBRASKA.

KEYES, HARLOW W.....	Indianola.
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## NEW MEXICO.

REID, WILLIAM C.....	Roswell.
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## NEW YORK.

CANTWELL, WILLIAM W.....	New York City.
VAN ALLEN, JOHN W.....	Buffalo.
WATERS, LOUIS L.....	Syracuse.

## NORTH CAROLINA.

BROOKS, AUBREY L.....	Greensboro.
ROLLINS, THOMAS SCOTT.....	Asheville.

## OHIO.

CIST, EDGAR WILSON.....	Cincinnati.
COUSE, HOWARD A.....	Cleveland.
HOFFHEIMER, HARRY M.....	Cincinnati.
JAMES, BENJAMIN F.....	Bowling Green.
MCCARTER, EDWARD B.....	Columbus.
MORTON, ELBERT C.....	Columbus.
MULLINS, FREDERIC J.....	Salem.
RIGHTMIRE, GEORGE W.....	Columbus.
SMEDES, JOHN MARSHALL.....	Cincinnati.
STRICKER, SIDNEY G.....	Cincinnati.

## PENNSYLVANIA.

ALEXANDER, BENJAMIN ..... Philadelphia.  
 ALLEN, WILLIAM HARRISON..... Warren.  
 BLANCHARD, JOHN ..... Bellefonte.  
 ELLIOT, FRANK S..... Philadelphia.  
 ENDLICH, GUSTAV A..... Reading.  
 LINN, WILLIAM B..... Philadelphia.  
 NEILSON, WILLIAM D..... Philadelphia.  
 ROBERTS, OWEN J..... Philadelphia.  
 RODDY, GEORGE BLACK..... New Bloomfield.  
 SNODGRASS, ROBERT ..... Harrisburg.

## SOUTH DAKOTA.

CHERRY, W. S. G..... Sioux Falls.  
 GEORGE, JAMES A..... Deadwood.

## TENNESSEE.

ANDERSON, JAMES H..... Chattanooga.  
 BARTON, JR., R. M..... Chattanooga.  
 BROWN, FOSTER V..... Chattanooga.  
 COOPER, WILLIAM THOMAS..... Chattanooga.  
 MAYNARD, JR., JAMES..... Knoxville.  
 STEEN, J. M..... Memphis.

## TEXAS.

MCCORMICK, JOSEPH MANSON..... Dallas.  
 McLAURIN, LAUCH ..... Austin.  
 POLLARD, CLAUDE ..... Kingsville.  
 TOWNES, JOHN C..... Austin.  
 WOODS, J. H..... Corsicana.

## VIRGINIA.

SHELTON, THOMAS WALL..... Norfolk.

## WEST VIRGINIA.

GOODYKOONTZ, WELLS ..... Williamson.  
 MOATS, FRANCIS P..... Parkersburg.  
 WILLIS, M. H..... New Martinsville.

Number elected at meeting, 181.

MEMBERS ELECTED BY EXECUTIVE COMMITTEE, AUGUST  
27, 1909.

## IOWA.

BRENNAN, ROBERT ..... Des Moines.

## MARYLAND.

BURGER, LOUIS J. .... Baltimore.

## MICHIGAN.

BARLOW, BURT E. .... Coldwater.

REES, ALLEN F. .... Houghton.

## NORTH CAROLINA.

PRESTON, EDMUND R. .... Charlotte.

## PENNSYLVANIA.

ESLING, HENRY C. .... Philadelphia.

WILLIAMS, J. HENRY. .... Philadelphia.

Number elected by Executive Committee, August 27, 1909, 7.

ELECTED BY THE EXECUTIVE COMMITTEE BETWEEN THE  
MEETINGS OF 1908-1909.

## CALIFORNIA.

BARCLAY, HENRY AUGUSTUS. .... Los Angeles.

LEEDS, WALTER R. .... Los Angeles.

LINDLEY, CURTIS H. .... San Francisco.

NEWLIN, GURNEY E. .... Los Angeles.

## COLORADO.

COLLINS, O. E. .... Colorado Springs.

## CONNECTICUT.

DAY, HARRY G. .... New Haven.

## DISTRICT OF COLUMBIA.

DELACY, WILLIAM H. .... Washington.

## FLORIDA.

SIMONTON, F. M..... Tampa.

## IDAHO.

LA VEINE, EDWARD N..... Coeur d'Alene.

## ILLINOIS.

BROWN, FREDERICK A..... Chicago.

## IOWA.

FLYNN, LEO J..... Dubuque.  
 FULLER, E. DEAN..... Des Moines.  
 HISE, GEORGE E..... Des Moines.  
 HOUSEL, LORENZO W..... Humboldt.  
 LEE, CHAUCER G..... Ames.  
 NORTHRUP, FRANK E..... Marshalltown.  
 ORWIG, RALPH ..... Des Moines.  
 READ, WILLIAM L..... Des Moines.  
 STIPP, HARLEY H..... Des Moines.  
 STRAUS, OSCAR ..... Des Moines.  
 THORNE, CLIFFORD ..... Washington.  
 WEAVER, JR., JAMES B..... Des Moines.

## KANSAS.

BROWN, W. W..... Parsons.

## KENTUCKY.

CALVERT, CLEON K..... Hyden.  
 HOPKINS, ARTHUR E..... Louisville.  
 WALTER, LUTHER M. (Wash., D. C.)..... Louisa.

## LOUISIANA.

BEATTIE, TAYLOR ..... Thibodaux.  
 BELL, T. F..... Shreveport.  
 BELL, WILLIAM ALEXANDER..... New Orleans.  
 BLANCHARD, NEWTON C..... Shreveport.  
 BOARMAN, ALECK ..... Shreveport.  
 BOATNER, M. M..... New Orleans.  
 BREAUX, JOSEPH A..... New Orleans.  
 BROUSSARD, R. F..... New Iberia.

## LOUISIANA.—Continued.

BRUENN, BERNARD .....	New Orleans.
BRUNOT, H. F. ....	Baton Rouge.
BUCK, CHARLES FRANCIS .....	New Orleans.
CARROLL, CHARLES .....	New Orleans.
CARTER, HENRY J. ....	New Orleans.
CARVER, M. H. ....	Natchitoches.
CHAFFE, DAVID B. H. ....	New Orleans.
CHRETIEN, FRANK D. ....	New Orleans.
COCO, ADOLPH VALEBY .....	Marksville.
DAVEY, JR., JOHN C. ....	New Orleans.
DINKELSPIEL, MAX .....	New Orleans.
DUCHAMP, CHARLES A. ....	New Orleans.
DUFOUR, HORACE L. ....	New Orleans.
EDWARDS, B. P. ....	Arcadia.
ELLIS, S. D. ....	Amite City.
ELLIS, THOMAS C. W. ....	New Orleans.
ESTOPINAL, JR., A. ....	St. Bernard.
FENNER, CHARLES E. ....	New Orleans.
FOSTER, RUFUS E. ....	New Orleans.
GILMORE, SAMUEL L. ....	New Orleans.
GLEASON, W. L. ....	New Orleans.
GODCHAUX, EMILE .....	New Orleans.
HEROLD, S. L. ....	Shreveport.
HORNOR, GUY M. ....	New Orleans.
HUDSON, E. M. ....	New Orleans.
KING, FREDERICK D. ....	New Orleans.
KITTREDGE, IVY G. ....	New Orleans.
LAND, ALFRED D. ....	New Orleans.
LAWRASON, SAMUEL McC. ....	St. Francisville.
LEAKE, WILLIAM WALTER .....	St. Francisville.
MCGUIRK, ARTHUR .....	New Orleans.
MILLER, JOHN D. ....	New Orleans.
MILLING, R. E. ....	Franklin.
MILNER, P. M. ....	New Orleans.
MONBOE, J. BLANC .....	New Orleans.
MOONEY, HENRY .....	New Orleans.
MOORE, I. D. ....	New Orleans.
O'DONNELL, LAWRENCE .....	New Orleans.
O'NEILL, CHARLES A. ....	Franklin.
OVERTON, WINSTON .....	Lake Charles.
PARKERSON, WILLIAM STIRLING .....	New Orleans.

## LOUISIANA.—Continued.

PARSONS, EDWARD A.....	New Orleans.
PETERS, ARTHUR JOHN.....	New Orleans.
PROWELL, JOEL J.....	New Orleans.
QUINTERO, LAMAR G.....	New Orleans.
RANDOLPH, EDWARD H.....	Shreveport.
ROMAIN, ARMAND .....	New Orleans.
ROSSER, JR., J. B.....	New Orleans.
SANDERS, J. Y.....	Baton Rouge.
SOMERVILLE, W. B.....	New Orleans.
SOMPAYRAC, PAUL AMBROSE.....	New Orleans.
SPEARING, J. ZACH.....	New Orleans.
STORY, HAMPDEN .....	Crowley.
STUBBS, JR., FRANK P.....	Monroe.
ST. PAUL, JOHN.....	New Orleans.
THEARD, CHARLES J.....	New Orleans.
THEARD, GEORGE HENRY.....	New Orleans.
THOMAS, FRANK B.....	New Orleans.
TOBIN, JOHN F.....	New Orleans.
WAGUESPACK, W. J.....	New Orleans.
WALDO, BENJAMIN T.....	New Orleans.
WALDO, JOHN F. C.....	New Orleans.
WALKER, THOMPSON B.....	New Orleans.
WALL, ISAAC D.....	Clinton.
WALL, WILLIAM WINANS.....	New Orleans.
WALTON, J. F.....	New Orleans.
WATKINS, J. T. (Wash., D. C.).....	Minden.
WEAR, GEORGE .....	Columbia.
WILLIAMSON, W. B.....	Leesville.
WOLFF, SOLOMON .....	New Orleans.
ZUNTZ, JAMES E.....	New Orleans.

## MARYLAND.

BOWERS, JR., JAMES W.....	Baltimore.
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## MASSACHUSETTS.

ATHEERTON, PERCY A.....	Boston.
BRAYTON, ISRAEL .....	Fall River.
LEWIN, RICHARD W.....	Northampton.
RACKMANN, CHARLES S.....	Boston.
WARREN, EDWARD H.....	Boston.

## MICHIGAN.

ALTLAND, DANIEL F.....	Detroit.
CARPENTER, WILLIAM L.....	Detroit.
CARTON, JOHN J.....	Flint.
CASGRAIN, CHARLES W.....	Detroit.
CHAPPELL, FRED. L.....	Kalamazoo.
DANAHER, MICHAEL B.....	Ludington.
DOUGLAS, SAMUEL T.....	Detroit.
EARL, OTIS A.....	Kalamazoo.
GRAY, WILLIAM J.....	Detroit.
GRISWOLD, NORRIS A.....	Greenville.
LANDMAN, WILLIAM J.....	Grand Rapids.
MACDONALD, WILLIAM J.....	Calumet.
MILLIS, WADE .....	Detroit.
THORNTON, HOWARD A.....	Grand Rapids.
WAIT, HARRY H.....	Detroit.
YERKES, GEORGE B.....	Detroit.

## MINNESOTA.

TAYLOR, BENJAMIN .....	Mankato.
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## MISSISSIPPI.

WELCH, W. S.....	Laurel.
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## MISSOURI.

BORLAND, WILLIAM P.....	Kansas City.
BOTSFORD, JAMES S.....	Kansas City.
BROWN, R. A.....	St. Joseph.
ELLISON, EDWARD D.....	Kansas City.
HOCKER, LOU O.....	St. Louis.
KRAUTHOFF, EDWIN A.....	Kansas City.
MADISON, CHARLES E.....	Kansas City.
MAJOR, ELLIOTT W.....	Jefferson City.
ORR, ISAAC H.....	St. Louis.
POWELL, ELMER N.....	Kansas City.
ROZZELLE, FRANK F.....	Kansas City.
SCHAICH, JOHN G.....	Kansas City.
SMALL, CHARLES E.....	Kansas City.
TURPIN, REES .....	Kansas City.
VINEYARD, J. J.....	Kansas City.
WALTHER, LAMBERT E.....	St. Louis.
WILFLEY, XENOPHEN P.....	St. Louis.
WOOD, JOHN M.....	St. Louis.



## NEBRASKA.

BOESCHE, HERMAN G..... Omaha.

## NEW JERSEY.

CHAMBERLIN, FREDERICK E..... Bayonne.

## NEW YORK.

CAHN, WILLIAM L..... New York.  
 CHIRURG, ISIDORE S..... New York.  
 EASTON, CHARLES PHILIP..... New York.  
 GOLDMAN, SAMUEL P..... New York.  
 McILVAINE, TOMPKINS ..... New York.  
 ROSEBROOK, ALDEN I..... Northport.  
 SCOTT, HENRY W..... New York.  
 WELLS, T. TILESTON..... New York.

## NORTH CAROLINA.

LYON, LUTHER M..... Wilkesboro.

## OHIO.

TAFT, FREDERICK L..... Cleveland.

## PENNSYLVANIA.

HAZZARD, VERNON ..... Monongahela.  
 PRINCE, LEON C..... Carlisle.  
 SCHWARTZ, SYDNEY A..... Titusville.  
 SCOVILLE, JR., SAMUEL..... Philadelphia.

## SOUTH CAROLINA.

BARRON, CHARLES H..... Columbia.  
 HERBERT, R. BEVERLY..... Columbia.

## UTAH.

SNYDER, WILSON I..... Salt Lake City.

## WASHINGTON.

ESKRIDGE, RICHARD STEVENS..... Seattle.  
 FRATER, A. W..... Seattle.  
 PILES, SAMUEL H..... Seattle.

## WEST VIRGINIA.

HOGG, CHARLES E..... Morgantown.

Total, 170.

## RECAPITULATION

Arizona Territory .....	1	Mississippi .....	3
Arkansas .....	1	Missouri .....	21
California .....	6	Nebraska .....	2
Colorado .....	1	New Jersey .....	1
Connecticut .....	18	New Mexico .....	1
District of Columbia.....	2	New York .....	11
Florida .....	1	North Carolina .....	4
Georgia .....	5	Ohio .....	11
Idaho .....	18	Pennsylvania .....	16
Illinois .....	10	South Carolina .....	2
Indiana .....	3	South Dakota .....	2
Iowa .....	19	Tennessee .....	6
Kansas .....	3	Texas .....	5
Kentucky .....	9	Utah .....	1
Louisiana .....	87	Virginia .....	1
Maryland .....	2	Washington .....	3
Massachusetts .....	8	West Virginia .....	4
Michigan .....	69		
Minnesota .....	1		
		Total .....	358

## ANNUAL DINNER

The Annual Dinner was held on Friday evening, August 27, 1909, at the Hotel Pontchartrain, Detroit, Michigan.

The retiring President, Frederick W. Lehmann, of St. Louis, presided.

The speakers and the toasts to which they responded were:

THE PRESIDENT ..... The Star-Spangled Banner.

DALLAS BOUDEMAN ..... The Judiciary.  
of Kalamazoo, Michigan.

GEORGES BARBEY ..... A Court Martial in France.  
of Paris, France.

HENRY A. LOCKWOOD..... The Michigan Bar.  
of Detroit, Michigan.

W. C. LANGUEDOC, K. C..... The Montreal Bar  
of Montreal, Canada.

W. U. HENSEL..... Ourselves.  
of Lancaster, Pennsylvania.

J. HAMILTON LEWIS..... The American Lawyer.  
of Chicago, Illinois.

JAMES T. KEENA..... Incompetent, Immaterial and  
of Detroit, Michigan. Irrelevant.

CHARLES F. LIBBY..... The Incoming President.  
of Portland, Maine.

One hundred and eighty-four members and guests were present.

## LIST OF PRESIDENTS

1. 1878-79-\*JAMES O. BROADHEAD<sup>1</sup>.....St. Louis, Missouri.
2. 1879-80-\*BENJAMIN H. BRISTOW.....New York, New York.
3. 1880-81-\*EDWARD J. PHELPS.....Burlington, Vermont.
4. 1881-82-\*CLARKSON N. POTTER<sup>2</sup>.....New York, New York.
5. 1882-83-\*ALEXANDER R. LAWTON.....Savannah, Georgia.
6. 1883-84-\*CORTLANDT PARKER .....Newark, New Jersey.
7. 1884-85-\*JOHN W. STEVENSON.....Covington, Kentucky.
8. 1885-86-\*WILLIAM ALLEN BUTLER....New York, New York.
9. 1886-87-\*THOMAS J. SEMMES.....New Orleans, Louisiana.
10. 1887-88-\*GEORGE G. WRIGHT.....Des Moines, Iowa.
11. 1888-89-\*DAVID DUDLEY FIELD.....New York, New York.
12. 1889-90-\*HENRY HITCHCOCK .....St. Louis, Missouri.
13. 1890-91-SIMEON E. BALDWIN.....New Haven, Connecticut.
14. 1891-92-JOHN F. DILLON.....New York, New York.
15. 1892-93-\*JOHN RANDOLPH TUCKER...Lexington, Virginia.
16. 1893-94-\*THOMAS M. COOLEY<sup>3</sup>.....Ann Arbor, Michigan.
17. 1894-95-\*JAMES C. CARTER.....New York, New York.
18. 1895-96-MOORFIELD STOREY .....Boston, Massachusetts.
19. 1896-97-\*JAMES M. WOOLWORTH.....Omaha, Nebraska.
20. 1897-98-\*WILLIAM WIRT HOWE.....New Orleans, Louisiana.
21. 1898-99-JOSEPH H. CHOATE<sup>4</sup>.....New York, New York.
22. 1899-1900-CHARLES F. MANDERSON...Omaha, Nebraska.
23. 1900-1901-EDMUND WETMORE .....New York, New York.
24. 1901-1902-U. M. ROSE.....Little Rock, Arkansas.
25. 1902-1903-FRANCIS RAWLE .....Philadelphia, Pennsylvania.
26. 1903-1904-JAMES HAGERMAN .....St. Louis, Missouri.
27. 1904-1905-HENRY ST. GEO. TUCKER..Lexington, Virginia.
28. 1905-1906-GEORGE R. PECK.....Chicago, Illinois.
29. 1906-1907-ALTON B. PARKER.....New York, New York.
30. 1907-1908-J. M. DICKINSON.....Chicago, Illinois.
31. 1908-1909-FREDERICK W. LEHMANN...St. Louis, Missouri.
32. 1909-1910-CHARLES F. LIBBY.....Portland, Maine.

\* Deceased.

<sup>1</sup> At the Conference for organizing the Association in 1878, John H. B. Latrobe, of Maryland, was elected Temporary Chairman, and when the organization was completed, Benjamin H. Bristow, of Kentucky, was elected President of the Conference.

<sup>2</sup> In consequence of the death of Clarkson N. Potter, Francis Kernan, of New York, presided and prepared and delivered the President's Address in 1882.

<sup>3</sup> In consequence of the illness of Thomas M. Cooley, Samuel F. Hunt, of Ohio, presided and read the President's Address prepared by Judge Cooley in 1894.

<sup>4</sup> In consequence of the absence of Joseph H. Choate, as Ambassador to Great Britain, Charles F. Manderson, of Nebraska, presided and prepared and delivered the President's Address in 1899.

## LIST OF SECRETARIES.

1. 1878-93-\*EDWARD OTIS HINKLEY<sup>1</sup>.....Baltimore, Maryland.
2. 1893-1909-JOHN HINKLEY<sup>2</sup> .....Baltimore, Maryland.
3. 1909-       GEORGE WHITELOCK .....Baltimore, Maryland.  
              ALBERT C. RITCHIE, As. Sec. Baltimore, Maryland.

## LIST OF TREASURERS.

1. 1878-1902-FRANCIS RAWLE.....Philadelphia, Penna.
2. 1902-       FREDERICK E. WADHAMS...Albany, New York.

## LIST OF EXECUTIVE COMMITTEE.

1. 1878-87-\*LUKE P. POLAND.....St. Johnsbury, Vermont.
2. 1878-88-SIMEON E. BALDWIN<sup>3</sup>.....New Haven, Connecticut.
3. 1878-80-\*WILLIAM A. FISHER.....Baltimore, Maryland.
4. 1880-85-\*WILLIAM ALLEN BUTLER....New York, New York.
5. 1885-90-\*CHARLES C. BONNEY<sup>3</sup>.....Chicago, Illinois.
6. 1887-96-\*GEORGE A. MERCER.....Savannah, Georgia.
7. 1888-90-\*JOHN RANDOLPH TUCKER...Lexington, Virginia.
8. 1890-91-\*WILLIAM P. WELLS.....Detroit, Michigan.
9. 1890-99-ALFRED HEMENWAY .....Boston, Massachusetts.
10. 1891-95-\*BRADLEY G. SCHLEY.....Milwaukee, Wisconsin.
11. 1895-99-CHARLES CLAFLIN ALLEN....St. Louis, Missouri.
12. 1896-97-\*WILLIAM WIRT HOWE.....New Orleans, Louisiana.
13. 1897-1900-CHARLES NOBLE GREGORY..Madison, Wisconsin.
14. 1899-1900-EDMUND WETMORE .....New York, New York.
15. 1899-1901-U. M. ROSE.....Little Rock, Arkansas.
16. 1899-1902-WILLIAM A. KETCHAM....Indianapolis, Indiana.
17. 1899-1902-HENRY ST. GEORGE TUCKER.Lexington, Virginia.
18. 1900-1903-RODNEY A. MERCUR.....Towanda, Pennsylvania.
19. 1900-1903-CHARLES F. LIBBY.....Portland, Maine.
20. 1901-1903-JAMES HAGERMAN .....St. Louis, Missouri.
21. 1902-1905-P. W. MELDRIM.....Savannah, Georgia.
22. 1902-1905-PLATT ROGERS .....Denver, Colorado.
23. 1903-1906-M. F. DICKINSON.....Boston, Massachusetts.
24. 1903-1906-THEODORE S. GARNETT....Norfolk, Virginia.
25. 1903-1906-WILLIAM P. BREEN.....Fort Wayne, Indiana.
26. 1905-1908-CHARLES MONROE .....Los Angeles, California.
27. 1905-1908-RALPH W. BRECKENRIDGE..Omaha, Nebraska.
28. 1906-1909-CHARLES F. LIBBY.....Portland, Maine.
29. 1906-1909-WALTER GEORGE SMITH....Philadelphia, Pennsylvania.
30. 1906-1909-ROME G. BROWN.....Minneapolis, Minnesota.
31. 1908-       WILLIAM O. HART.....New Orleans, Louisiana.
32. 1908-       CHARLES HENRY BUTLER...New York, New York.
33. 1909-       JOHN HINKLEY .....Baltimore, Maryland.
34. 1909-       RALPH W. BRECKENRIDGE..Omaha, Nebraska.
35. 1909-       LYNN HELM .....Los Angeles, California.

\* Deceased.

<sup>1</sup> In 1878, Francis Rawle, of Pennsylvania, and Isaac Grant Thompson, of New York, acted as temporary Secretaries and as Secretaries of the Conference. In 1880, Edward Otis Hinkley being absent, Walter George Smith, of Pennsylvania, acted as Secretary *pro tempore*.

<sup>2</sup> In 1898, John Hinkley being absent, George P. Wanty, of Michigan, acted as Secretary *pro tempore*.

<sup>3</sup> In 1888, at the first meeting of the Executive Committee after the adjournment of the Association, Simeon E. Baldwin resigned, and Charles C. Bonney was chosen to fill the vacancy under By-Law X.

## LIST OF PLACES OF MEETING AND ATTENDANCE.

Meeting.	Year.	Date.	Place.	Attendance.
1.....	1878....	Aug. 21, 22.....	Saratoga Springs, N. Y.....	75
2.....	1879....	Aug. 20, 21.....	Saratoga Springs, N. Y... (no record)	
3.....	1880....	Aug. 18, 19, 20.....	Saratoga Springs, N. Y.....	97
4.....	1881....	Aug. 17, 18, 19.....	Saratoga Springs, N. Y.....	124
5.....	1882....	Aug. 8, 9, 10, 11....	Saratoga Springs, N. Y.....	107
6.....	1883....	Aug. 22, 23, 24.....	Saratoga Springs, N. Y.....	120
7.....	1884....	Aug. 20, 21, 22.....	Saratoga Springs, N. Y.....	108
8.....	1885....	Aug. 19, 20, 21.....	Saratoga Springs, N. Y.....	124
9.....	1886....	Aug. 18, 19, 20.....	Saratoga Springs, N. Y.....	137
10.....	1887....	Aug. 17, 18, 19.....	Saratoga Springs, N. Y.....	149
11.....	1888....	Aug. 15, 16, 17.....	Saratoga Springs, N. Y.....	121
12.....	1889....	Aug. 28, 29, 30.....	Chicago, Ill. ....	158
13.....	1890....	Aug. 20, 21, 22.....	Saratoga Springs, N. Y.....	132
14.....	1891....	Aug. 26, 27, 28.....	Boston, Mass. ....	202
15.....	1892....	Aug. 24, 25, 26.....	Saratoga Springs, N. Y.....	143
16.....	1893....	Aug. 30, 31, Sept. 1.	Milwaukee, Wis. ....	130
17.....	1894....	Aug. 22, 23, 24.....	Saratoga Springs, N. Y.....	140
18.....	1895....	Aug. 27, 28, 29, 30..	Detroit, Mich. ....	199
19.....	1896....	Aug. 19, 20, 21.....	Saratoga Springs, N. Y.....	276
20.....	1897....	Aug. 25, 26, 27.....	Cleveland, Ohio ....	184
21.....	1898....	Aug. 17, 18, 19.....	Saratoga Springs, N. Y.....	227
22.....	1899....	Aug. 28, 29, 30.....	Buffalo, N. Y.....	227
23.....	1900....	Aug. 29, 30, 31.....	Saratoga Springs, N. Y.....	230
24.....	1901....	Aug. 21, 22, 23.....	Denver, Colo. ....	306
25.....	1902....	Aug. 27, 28, 29.....	Saratoga Springs, N. Y.....	230
26.....	1903....	Aug. 26, 27, 28.....	Hot Springs, Va.....	250
27.....	1904....	Sept. 26, 27, 28.....	St. Louis, Mo.....	451
28.....	1905....	Aug. 23, 24, 25.....	Narragansett Pier, R. I.....	277
29.....	1906....	Aug. 29, 30, 31.....	St. Paul, Minn.....	369
30.....	1907....	Aug. 26, 27, 28.....	Portland, Maine.....	402
31.....	1908....	Aug. 25, 26, 27, 28..	Seattle, Washington.....	312
32.....	1909....	Aug. 24, 25, 26, 27..	Detroit, Michigan.....	389

# CONSTITUTION

## NAME AND OBJECT.

ARTICLE I.—This Association shall be known as “THE AMERICAN BAR ASSOCIATION.” Its object shall be to advance the science of jurisprudence, promote the administration of justice and uniformity of legislation throughout the union, uphold the honor of the profession of the law and encourage cordial intercourse among the members of the American Bar.

## QUALIFICATIONS FOR MEMBERSHIP.

ARTICLE II.—Any person shall be eligible to membership in this Association who shall be, and shall, for five years next preceding, have been a member in good standing of the Bar of any state, and who shall also be nominated as hereinafter provided.

## OFFICERS AND COMMITTEES.

ARTICLE III.—The following officers shall be elected at each Annual Meeting for the year ensuing: A President (the same person shall not be elected President two years in succession); one Vice-President from each state; a Secretary; a Treasurer; a Council, consisting of one member from each state (the Council shall be a standing committee on nominations for office); an Executive Committee, which shall consist of the President, the last ex-President, the Secretary and the Treasurer, all of whom shall be *ex-officio* members, together with five other members, to be chosen by the Association, but no member shall be eligible to such choice more than three years in succession; and the President, and in his absence the ex-President, shall be the chairman of the committee.<sup>1</sup> There shall be an Assistant Secretary, who shall be elected by the Executive Committee, and shall hold office at their pleasure.<sup>2</sup>

<sup>1</sup> Amended August 19, 1898, and August 30, 1899.

<sup>2</sup> Amended August 25, 1909.

The following committees shall be annually appointed by the President for the year ensuing, and shall consist of five members each:

On Jurisprudence and Law Reform;

On Judicial Administration and Remedial Procedure;

On Legal Education and Admissions to the Bar;

On Commercial Law;

On International Law;

On Publications;

On Grievances;

On Law Reporting and Digesting;<sup>5</sup>

On Patent, Trade-Mark and Copyright Law;<sup>6</sup>

On Insurance Law;<sup>6</sup>

On Taxation;<sup>6</sup> and a committee

On Uniform State Laws, to consist of one member from each state.<sup>7</sup>

A majority of those members of any committee, including the Council, who may be present at any meeting of the Association, shall constitute a quorum of such committee for the purpose of such meeting.

The Vice-President for each state, and not less than two other members from such state, to be annually elected, shall constitute a Local Council for such state, to which shall be referred all applications for membership from such state. The Vice-President shall be, *ex-officio*, Chairman of such Council.

A committee of three, of whom the Secretary shall always be one, shall be appointed by the President at each Annual Meeting of the Association, whose duty it shall be to report to the next meeting the names of all members who shall, in the interval, have died, with such notices of them as shall, in the discretion of the committee, be proper.

It shall be the duty of the Vice-President from each state and territory to report the deaths of members within the same to the said committee.

<sup>5</sup> Amended August 29, 1895.

<sup>6</sup> Amended August 30, 1899.

<sup>7</sup> Amended September 28, 1904.

<sup>6</sup> Amended August 31, 1906.

<sup>7</sup> Amended August 28, 1903.



## ELECTION OF MEMBERS.

ARTICLE IV.—All nominations for membership shall be made by the Local Council of the state to the Bar of which the persons nominated belong. Such nominations must be transmitted in writing to the Chairman of the General Council, and approved by the Council, on vote by ballot.

The General Council may also nominate members from states having no Local Council, and at the Annual Meeting of the Association, in the absence of all members of the Local Council of any state; *Provided*, That no nomination shall be considered by the General Council, unless accompanied by a statement in writing by at least three members of the Association from the same state with the person nominated, or, in their absence, by members from a neighboring state or states, to the effect that the person nominated has the qualifications required by the Constitution and desires to become a member of the Association, and recommending his admission as a member.

All nominations thus made or approved shall be reported by the Council to the Association, and all whose names are reported shall thereupon become members of the Association; *Provided*, That if any member demand a vote upon any name thus reported, the Association shall thereupon vote thereon by ballot.

Several nominees, if from the same state, may be voted for upon the same ballot; and in such case placing the word "No" against any name or names upon the ticket shall be deemed a negative vote against such name or names, and against those only. Five negative votes shall suffice to defeat an election.

During the period between the Annual Meetings, members may be elected by the Executive Committee upon the written nomination of a majority of the Vice-President and members of the Local Council of any state.

ARTICLE V.—All members of the Conference adopting the Constitution, and all persons elected by them upon the recommendation of the committee of five appointed by such Conference, shall become members of the Association upon payment of the annual dues for the current year herein provided for.

## BY-LAWS.

ARTICLE VI.—By-laws may be adopted at any Annual Meeting of the Association by a majority of the members present. It shall be the duty of the Executive Committee, without delay, to adopt suitable By-laws, which shall be in force until rescinded by the Association.

## DUES.

ARTICLE VII.—Each member shall pay five dollars to the Treasurer as annual dues, and no person shall be qualified to exercise any privilege of membership who is in default. Such dues shall be payable, and the payment thereof enforced, as may be provided by the By-laws. Members shall be entitled to receive all publications of the Association free of charge.

## ANNUAL ADDRESS.

ARTICLE VIII.—The President shall open each Annual Meeting of the Association with an address, in which he shall communicate the most noteworthy changes in statute law on points of general interest made in the several states and by Congress during the preceding year. It shall be the duty of the member of the General Council from each state to report to the President, on or before the first day of May, annually, any such legislation in his state.

## ANNUAL MEETINGS.

ARTICLE IX.—This Association shall meet annually, at such time and place as the Executive Committee may select, and those present at such meeting shall constitute a quorum.

## AMENDMENTS.

ARTICLE X.—This Constitution may be altered or amended by a vote of three-fourths of the members present at any Annual Meeting, but no such change shall be made at any meeting at which less than thirty members are present.

## CONSTRUCTION.

ARTICLE XI.—The word "*state*," whenever used in this Constitution, shall be deemed to be equivalent to *state*, *territory*, the *District of Columbia* and the *insular and other possessions of the United States*.<sup>\*</sup>

<sup>\*</sup> Amended August 25, 1909.

## BY-LAWS

### MEETING OF THE ASSOCIATION.

I.—The Executive Committee, at its first meeting after each Annual Meeting, shall select some person to make an address at the next Annual Meeting, and not exceeding six members of the Association to read papers.

II.—The order of exercises at the Annual Meeting shall be as follows:

- (a) Opening Address of the President.
- (b) Nominations and Election of Members.
- (c) Election of the General Council.
- (d) Reports of Secretary and Treasurer.
- (e) Report of Executive Committee.
- (f) Reports of Standing Committees.
  - On Jurisprudence and Law Reform;
  - On Judicial Administration and Remedial Procedure;
  - On Legal Education and Admissions to the Bar;
  - On Commercial Law;
  - On International Law;
  - On Publications;
  - On Grievances;
  - On Law Reporting and Digesting;
  - On Patent, Trade-mark and Copyright Law;<sup>1</sup>
  - On Insurance Law;<sup>2</sup>
  - On Taxation;<sup>3</sup>
  - On Uniform State Laws.<sup>4</sup>
- (g) Reports of Special Committees.
- (h) The Nomination of Officers.
- (i) Miscellaneous Business.
- (j) The Election of Officers.

<sup>1</sup> Amended August 23, 1905.

<sup>2</sup> Amended August 31, 1906.

The address, to be delivered by a person invited by the Executive Committee, shall be made at the morning session of the second day of the Annual Meeting.

The reading and delivering of essays and papers shall be on the same day, or at such other time as the Executive Committee may determine.

III.—No person shall speak more than ten minutes at a time or more than twice on one subject.

A stenographer shall be employed at each Annual Meeting.

All resolutions except those of a formal character shall be referred by the Chair on presentation, without debate, to an appropriate committee; and no resolution which is not favorably reported by the committee to which it is referred, or adopted by the Association, shall be published in the proceedings of the meeting.<sup>3</sup>

IV.—Each State Bar Association may annually appoint delegates, not exceeding three in number, to the next meeting of the Association. In states where no State Bar Association exists, any City or County Bar Association may appoint such delegates, not exceeding two in number. Such delegates shall be entitled to all the privileges of membership at and during the said meeting.

V.—At any of the meetings of the Association, members of the Bar of any foreign country or of any state who are not members of the Association may be admitted to the privileges of the floor during such meeting.

VI.—All papers read before the Association shall be lodged with the Secretary. The Annual Address of the President, and such reports of committees, papers and proceedings at the Annual Meeting shall be printed, as the Committee on Publications shall order.<sup>4</sup>

Extra copies of reports, addresses and papers read before the Association may be printed by the Committee on Publications for the use of their authors, not exceeding two hundred copies for each of such authors.

<sup>3</sup> Amended August 25, 1908.

<sup>4</sup> Amended August 25, 1908.

The Secretary and the Chairman of the Executive Committee shall endeavor to arrange with the Smithsonian Institution, or otherwise, a system of exchanges by which the *Transactions* can be annually exchanged with those of other associations in foreign countries interested in jurisprudence or governmental affairs; and the Secretary shall exchange the *Transactions* with those of the State and Local Bar Associations; and all books thus acquired shall be bound and deposited in the charge of the New York City Bar Association, subject to the call of this Association, if it ever desires to withdraw or consult them, if the former Association agrees to such deposit.

The Secretary shall send one copy of the Report of the proceedings of this Association to the President of the United States, and to each of the Judges of the Supreme Court thereof, and to the Library of the State Department, and of the Department of Justice thereof, and to the Library of Congress, and the Library of the Supreme Court thereof, and to the Governor, and to the Chief Judge of the court of last resort of each state, and to the State Librarian thereof, and to all public law libraries, and other principal public and college libraries in the United States, and to such other persons or bodies as the Executive Committee may direct.

No resolution complimentary to an officer or member for any service performed, paper read or address delivered shall be considered by the Association.

#### OFFICERS AND COMMITTEES.

VII.—The terms of office of all officers elected at any Annual Meeting shall commence at the adjournment of such meeting, except the Council, whose term of office shall commence immediately upon their election.

VIII.—The President shall appoint all committees, except the Committee on Publications, within thirty days after the Annual Meeting, and shall announce them to the Secretary, and the Secretary shall promptly give notice to the persons appointed. The Committee on Publications shall be appointed on the first day of each meeting.

There shall be appointed annually by the President a committee to be known as the Reception Committee, consisting of fifteen members of the Association, whose duty it shall be to attend immediately before and at the opening of the first day's session of the meeting to receive members and delegates and introduce them to each other, with a view of making them better acquainted and establishing a spirit of good fellowship among them.\*

IX.—The Treasurer's Report shall be examined and audited annually, before its presentation to the Association, by two members to be appointed by the Chairman of the Executive Committee.

X.—The Council and all standing committees shall meet on the day preceding each Annual Meeting, at the place where the same is to be held, at such hour as their respective Chairman shall appoint. If at any Annual Meeting of the Association any member of any committee shall be absent, the vacancy may be filled by the members of the committee present.

The Secretary of the Association shall be the Secretary of the Council.

XI.—The Committee on Publications shall also meet within one month after each Annual Meeting, at such time and place as the Chairman shall appoint.

XII.—Special meetings of any committee shall be held at such times and places as the Chairman thereof may appoint. Reasonable notice shall be given by him to each member by mail.

The traveling and other necessary expenses incurred by any committee, standing or special, for meetings of such committee, during the interval between the Annual Meetings of the Association, shall be paid by the Treasurer, on the approval and by the order of the Executive Committee, out of such appropriation as to the Executive Committee may seem necessary in each case, on previous application in advance of its expenditure.

All committees may have their reports printed by the Secretary before the Annual Meeting of the Association; and any

\* Amended August 23, 1905.

such report, containing any recommendation for action on the part of the Association, shall be printed, together with a draft of bill embodying the views of the committee, whenever legislation shall be proposed. Such report shall be distributed by mail by the Secretary to all the members of the Association at least fifteen days before the Annual Meeting at which such report is proposed to be submitted. No legislation shall be recommended or approved unless there has been a report of a committee, either in favor of or against the same, and unless such legislation be approved by a two-thirds vote of the members of the Association present.\*

It shall be the duty of each Vice-President and member of the General Council of this Association to endeavor to procure the enactment by the legislature of their state of each and every law recommended by the Association, and the Secretary shall furnish them with copies of each and every recommendation and draft of bill, when there shall be such draft; and whenever this Association shall by resolution recommend the enactment of any law or laws, the Secretary shall, as soon as possible, furnish a copy of the resolution to the President of each State Bar Association, with the request of this Association that such State Bar Association shall co-operate with the local Vice-President and member of the General Council of this Association in having a bill introduced in the legislature of its state containing the subject matter recommended by such resolution, and use proper means to procure the enactment of the same into law. In every state where there is no State Bar Association, a copy of such resolution with a similar request shall be sent to the President of the Bar Association of the principal city in such state; and in every instance where the form of bill has been recommended with the resolution, a copy of such form of bill shall also be sent with the resolution.

#### ANNUAL DUES.

XIII.—The Annual Dues shall be payable at the Annual Meeting in advance. If any member neglects to pay them for any year at or before the next Annual Meeting, he shall cease to be a

\* Amended August 29, 1902, and August 31, 1906.

member. The Treasurer shall give notice of this By-law, within sixty days after each meeting, to all members in default.

A member who has been dropped from the roll for non-payment of dues may be restored to membership by the Executive Committee upon the payment of such back dues as the committee shall think equitable.<sup>7</sup> *Provided*, such restoration shall be recommended by a member of the Local Council of his state, or in their absence, at an Annual Meeting, by any two members of the Association.

XIV.—A Section of the Association, to be known as the Section of Legal Education,<sup>8</sup> is hereby established, which shall meet annually in connection with the meeting of the Association, but not during such hours as the Association is in session.

Its object shall be the discussion of methods of legal education, and it may make recommendations to the Association, which shall be referred by the Association to the Committee on Legal Education.

The proceedings of the Section may be published from time to time, at the discretion of the Executive Committee, and on the recommendation of the Committee on Publications.

All members of the Association, who desire, may enroll themselves as members of the Section, and persons not eligible for membership in the Association, but who are engaged in teaching law, may be admitted to the privilege of the floor at any meeting of the Section, by vote of the Section.

The Section shall be organized by the appointment of a Chairman and Secretary at its first session; and a Chairman and Secretary shall thereafter be elected annually by the Section.

A Section of the Association, to be known as the Section of Patent, Trade-Mark and Copyright Law,<sup>9</sup> is hereby established, which shall meet annually in connection with the meeting of the Association, but not during such hours as the Association is in session.

Its object shall be to discuss the subject of the law and practice

<sup>7</sup> Amended September 28, 1904.

<sup>8</sup> Amended August 30, 1893.

<sup>9</sup> Amended August 30, 1899.



relating to patents, trade-marks and copyrights. It may report to the Association; and matters relating to patents, trade-marks and copyrights may be referred to it.

The proceedings of the Section may be published from time to time, at the discretion of the Executive Committee, and on the recommendation of the Committee on Publications.

All members of the Association who desire may enroll themselves as members of the Section.

The Section shall be organized by the appointment of a Chairman and Secretary by the Section, and a Chairman and Secretary shall be thereafter annually elected by the Section for the year commencing upon the final adjournment of its meeting.

XV.\*—1. An auxiliary body of the Association, to be known as the "Comparative Law Bureau" is hereby established, which shall meet annually in connection with the meeting of the Association, but not during such hours as the Association is in session.

2. Its objects shall be the presentation and discussion of methods whereby important laws of foreign nations affecting the science of jurisprudence may be brought to the attention of American lawyers and institutions of learning, and become available in the general study of private law.

3. The membership of the Bureau shall consist of the members of this Association who are in good standing and such other bodies corporate or unincorporated associations and individuals as the Bureau may admit.

4. No dues or assessments shall be chargeable to individual members of this Association, but all others shall be subject to such as may be prescribed by the Bureau.

5. The Bureau shall be organized by the selection of a Director, Secretary, and Treasurer who shall be members of this Association in good standing, and five Managers at its first session who with four members of this Association to be appointed by the President, shall compose a Board of Managers of twelve, which shall be renewed annually and have entire management and control of the Bureau and its affairs until its successors shall

\* Adopted August 28, 1907.

have been duly qualified by acceptance, subject to the advance direction and advice of this Association. The Bureau shall have power to adopt regulations for conducting its affairs in accordance with the purpose of its creation, but not in conflict with the Constitution, By-laws or any action or direction of this Association.

6. The financial liability of this Association concerning said Bureau, shall be limited to such appropriations as may be made for it from time to time and shall cease in all respects with payment to the Treasurer of the Bureau of the amounts so appropriated.

7. The Board of Managers shall present to this Association an annual report in detail as to work and finances up to the preceding June first, which report shall be printed and distributed among the members fifteen days before the annual meeting of this Association, unless this requirement be waived for any particular year by the Executive Committee.

#### STANDING RULE.<sup>11</sup>

At all meetings and dinners of the American Bar Association, the American flag shall be displayed, and the Executive Committee shall see that this rule is carried out.

<sup>11</sup> Adopted August 31, 1906.

# OFFICERS

1909-1910.

PRESIDENT,

CHARLES F. LIBBY, *Portland, Maine.*

SECRETARY,

GEORGE WHITELOCK, *Baltimore, Maryland.*

TREASURER,

FREDERICK E. WADHAMS, *37 Tweddle Building, Albany, N. Y.*

ASSISTANT SECRETARY,

ALBERT C. RITCHIE, *Baltimore, Maryland.*

EXECUTIVE COMMITTEE,

EX OFFICIO.

ELECTED MEMBERS.

THE PRESIDENT,

WILLIAM O. HART, New Orleans, La.

THE SECRETARY,

CHAS. HENRY BUTLER, New York, N. Y.

THE TREASURER,

RALPH W. BRECKENBIDGE, Omaha, Neb.

FREDERICK W. LEHMANN,

LYNN HELM, Los Angeles, California.

St. Louis, Mo.

JOHN HINKLEY, Baltimore, Md.

## SECTION OF LEGAL EDUCATION.

WILLIAM O. HART, New Orleans, Louisiana, *Chairman.*

CHARLES M. HEPBURN, Bloomington, Indiana, *Secretary.*

## SECTION OF PATENT, TRADE-MARK AND COPYRIGHT LAW.

ROBERT S. TAYLOR, Fort Wayne, Indiana, *Chairman.*

OTTO R. BARNETT, Chicago, Illinois, *Secretary.*

## COMPARATIVE LAW BUREAU.

SIMEON E. BALDWIN, New Haven, Connecticut, *Director.*

WILLIAM W. SMITHERS, Philadelphia, Pennsylvania, *Secretary.*

EUGENE C. MASSIE, Richmond, Virginia, *Treasurer.*

ROBERT T. SHICK, Pennsylvania, *Assistant Secretary.*

## ASSOCIATION OF AMERICAN LAW SCHOOLS.

JOHN C. TOWNES, Austin, Texas, *President.*

WILLIAM R. VANCE, George Washington University, Washington, D. C.,  
*Secretary-Treasurer.*

## CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS.

WALTER GEORGE SMITH, Philadelphia, Pennsylvania, *President.*

PETER W. MELDRIM, Savannah, Georgia, *Vice-President.*

CHARLES THADDEUS TERRY, 100 Broadway, New York, *Secretary*

TALCOTT H. RUSSELL, New Haven, Connecticut, *Treasurer.*

FRANCIS A. HOOVER, Cincinnati, Ohio, *Assistant Secretary.*

## GENERAL COUNCIL

State.	Name.	Residence.
ALABAMA .....	GEORGE P. HARRISON....	Opelika.
ALASKA TERRITORY ....	ROBERT W. JENNINGS....	Juneau.
ARIZONA TERRITORY ....	JOHN J. HAWKINS.....	Prescott.
ARKANSAS .....	JOHN FLETCHER .....	Little Rock.
CALIFORNIA .....	WALTER R. LEEDS.....	Los Angeles.
COLORADO .....	GEORGE C. MANLY.....	Denver.
CONNECTICUT .....	TALCOTT H. RUSSELL...	New Haven.
DELAWARE .....	BENJAMIN NIELDS .....	Wilmington.
DISTRICT OF COLUMBIA..	CHAPIN BROWN .....	Washington.
FLORIDA. ....	R. W. WILLIAMS.....	Tallahassee.
GEORGIA .....	PETER W. MELDRIM.....	Savannah.
HAWAII TERRITORY ....	DAVID L. WITHINGTON..	Honolulu.
IDAHO .....	FREMONT WOOD .....	Boise.
ILLINOIS .....	STEPHEN S. GREGORY...	Chicago.
INDIANA .....	WILLIAM P. BREEN.....	Fort Wayne.
IOWA .....	NATH. T. GUERNSEY....	Des Moines.
KANSAS .....	CHARLES BLOOD SMITH..	Topeka.
KENTUCKY .....	ARTHUR E. HOPKINS....	Louisville.
LOUISIANA .....	THOMAS J. KERNAN....	Baton Rouge.
MAINE .....	FRANK M. HIGGINS.....	Limerick.
MARYLAND .....	ARTHUR STEUART .....	Baltimore.
MASSACHUSETTS .....	WILLIAM L. PUTNAM...	Boston.
MICHIGAN .....	WILLIAM L. JANUARY...	Detroit.
MINNESOTA .....	JOHN A. LARIMORE.....	Minneapolis.
MISSISSIPPI .....	JAMES S. SEXTON.....	Hazelhurst.
MISSOURI .....	JOHN D. LAWSON.....	Columbia.
MONTANA .....	THOMAS J. WALSH.....	Helena.
NEBRASKA .....	FRANCIS A. BROGAN....	Omaha.
NEVADA .....	SAMUEL L. CARPENTER..	Goldfield.
NEW HAMPSHIRE .....	SAMUEL C. EASTMAN...	Concord.
NEW JERSEY .....	RICH'D WAYNE PARKER.	Newark.
NEW MEXICO TERRITORY.	ALFRED A. FREEMAN...	Carlsbad.
NEW YORK .....	HENRY D. ESTABBOOK..	New York.
NORTH CAROLINA .....	WILLIAM P. BYNUM, JR.	Greensboro.

NORTH DAKOTA .....	ANDREW A. BRUCE.....	Grand Forks.
OHIO .....	FRANCIS B. JAMES.....	Cincinnati.
OKLAHOMA .....	J. R. KEATON.....	Oklahoma City.
OREGON .....	CHARLES J. SCHNABEL..	Portland.
PENNSYLVANIA .....	WILLIAM H. STAAKE...	Philadelphia.
RHODE ISLAND .....	AMASA M. EATON.....	Providence.
SOUTH CAROLINA .....	T. MOULTRIE MORDECAI..	Charleston.
SOUTH DAKOTA .....	JOHN H. VOORHEES.....	Sioux Falls.
TENNESSEE .....	ALBERT W. BIGGS.....	Memphis.
TEXAS .....	ROBERT E. LEE SANER..	Dallas.
UTAH .....	CHARLES S. VARIAN....	Salt Lake City.
VERMONT .....	ELIHU B. TAFT.....	Burlington.
VIRGINIA .....	S. GRIFFIN .....	Bedford City.
WASHINGTON .....	FRANK T. POST.....	Spokane.
WEST VIRGINIA .....	JAMES W. VANDERVORT..	Parkersburg.
WISCONSIN .....	LYMAN J. NASH.....	Manitowoc.
WYOMING .....	CHARLES N. POTTER....	Cheyenne.

**VICE-PRESIDENTS**  
**AND**  
**MEMBERS OF LOCAL COUNCILS**  
**ELECTED 1909**

**ALABAMA.**

Vice-President, LAWRENCE COOPER .....Huntsville.  
Local Council, EDWARD L. RUSSELL..... Mobile.  
WILLIAM H. THOMAS.....Montgomery.  
FREDERICK G. BROMBERG... Mobile.  
STERLING A. WOOD.....Birmingham.  
FREDERICK S. BALL.....Montgomery.  
OSCAR R. HUNDLEY.....Huntsville.

**ALASKA TERRITORY.**

Vice-President, CHARLES E. CLAYPOOL..... Fairbanks.  
Local Council, S. H. REID..... Fairbanks.  
W. T. BEEKS..... Valdez.

**ARIZONA TERRITORY.**

Vice-President, EVERETT E. ELLINWOOD..... Bisbee.  
Local Council, EDWARD KENT ..... Phoenix.  
JOHN MASON ROSS..... Prescott.  
FRANK COX ..... Phoenix.  
PAUL BURKS ..... Prescott.  
ROBERT E. MORRISON..... Prescott.

**ARKANSAS.**

Vice-President, ASHLEY COCKRILL ..... Little Rock.  
Local Council, GEORGE B. ROSE..... Little Rock.  
JOHN W. BLACKWOOD..... Little Rock.  
JACOB TRIEBER ..... Little Rock.  
CHARLES E. WARNER..... Ft. Smith.  
JOSEPH M. STAYTON..... Newport.

**CALIFORNIA.**

Vice-President, WALTER J. TRASK..... Los Angeles.  
Local Council, CHARLES MONROE ..... Los Angeles.  
OSCAR A. TRIPPET..... Los Angeles.  
JOHN W. KEMP..... Los Angeles.  
W. H. CHICKERING..... San Francisco.  
WARREN OLNEY ..... San Francisco.  
PETER F. DUNNE..... San Francisco.  
H. L. TITUS..... San Diego.

**COLORADO.**

Vice-President, JOHN D. FLEMING..... Boulder.  
 Local Council, PLATT ROGERS ..... Denver.  
                   HENRY F. MAY..... Denver.  
                   FRANK E. GOVER..... Denver.  
                   LUCIUS W. HOYT..... Denver.  
                   HENRY A. DUBBS..... Pueblo.  
                   PRINCE A. HAWKINS..... Boulder.

**CONNECTICUT.**

Vice-President, GEORGE D. WATROUS..... New Haven.  
 Local Council, EDWIN B. GAGER..... Derby.  
                   EDWARD A. HARRIMAN..... New Haven.  
                   EPAPHRODITUS PECK ..... Bristol.  
                   JAMES H. WEBB..... New Haven.  
                   SEYMOUR C. LOOMIS..... New Haven.

**DELAWARE.**

Vice-President, EDWARD G. BRADFORD..... Wilmington.  
 Local Council, WILLARD SAULSBURY ..... Wilmington.

**DISTRICT OF COLUMBIA.**

Vice-President, MELVILLE CHURCH ..... Washington.  
 Local Council, J. NOTA MCGILL..... Washington.  
                   HENRY E. DAVIS..... Washington.  
                   JOSEPH R. EDSON..... Washington.  
                   FREDERICK A. FENNING..... Washington.  
                   ALDIS B. BROWNE..... Washington.  
                   WALTER C. CLEPHANE..... Washington.  
                   FREDERICK L. SIDDON..... Washington.

**FLORIDA.**

Vice-President, LOUIS C. MASSEY..... Orlando.  
 Local Council, JOHN C. AVERY..... Pensacola.  
                   WILLIAM A. BLOUNT..... Pensacola.  
                   GEORGE C. BEDELL..... Jacksonville.  
                   DUNCAN U. FLETCHER..... Jacksonville.  
                   F. M. SIMONTON..... Tampa.  
                   C. D. RINEHART..... Jacksonville.

**GEORGIA.**

Vice-President, JOHN L. TYE..... Atlanta.  
 Local Council, T. M. CUNNINGHAM, JR..... Savannah.  
                   W. A. WIMBISH..... Atlanta.  
                   THEODORE A. HAMMOND..... Atlanta.  
                   W. L. GIGNILLIAT..... Savannah.  
                   WILFRED C. LANE..... Valdosta.

## HAWAII TERRITORY.

Vice-President, WILLIAM R. CASTLE.....Honolulu.  
 Local Council, WILLIAM O. SMITH.....Honolulu.  
 LYLE A. DICKEY.....Honolulu.

## IDAHO.

Vice-President, FRANK S. DIETRICH.....Boise.  
 Local Council, JAMES E. BABB.....Lewiston.  
 OLIVER O. HAGA.....Boise.  
 EUGENE A. COX.....Lewiston.  
 JAMES H. HAWLEY.....Boise.

## ILLINOIS.

Vice-President, JOHN C. RICHBERG.....Chicago.  
 Local Council, JOHN H. WIGMORE.....Chicago.  
 JOHN T. RICHARDS.....Chicago.  
 GEORGE T. PAGE.....Peoria.  
 SILAS H. STRAWN.....Chicago.  
 BENJAMIN R. BURROUGHS...Edwardsville.  
 JAMES A. PETERSON.....Chicago.  
 EDGAR A. BANCROFT.....Chicago.  
 WILLIAM R. HUNTER.....Kankakee.

## INDIANA.

Vice-President, DANIEL W. SIMMS.....Lafayette.  
 Local Council, JAMES BINGHAM.....Indianapolis.  
 WILLIAM A. KETCHAM.....Indianapolis.  
 CHARLES MARTINDALE.....Indianapolis.  
 MERRILL MOORES.....Indianapolis.  
 SAMUEL O. PICKENS.....Indianapolis.

## IOWA.

Vice-President, CHARLES A. DUDLEY.....Des Moines.  
 Local Council, WALLACE R. LANE.....Des Moines.  
 JOHN F. DEVITT.....Muscatine.  
 JAMES W. BOLLINGER.....Davenport.  
 GEORGE L. HENRY.....Des Moines.  
 CHARLES NOBLE GREGORY...Iowa City.  
 JAMES O. CROSBY.....Garnavillo.  
 JESSE A. MILLER.....Des Moines.  
 RALPH ORWIG.....Des Moines.

## KANSAS.

Vice-President, STEPHEN H. ALLEN.....Topeka.  
 Local Council, HENRY A. SCANDRETT.....Topeka.  
 J. G. SLONECKER.....Topeka.  
 J. W. GREEN.....Lawrence.



**KENTUCKY.**

Vice-President, WILLIAM M. REED..... Paducah.  
 Local Council, JAMES QUARLES ..... Louisville.  
                   W. O. HARRIS..... Louisville.  
                   JAMES H. JEFFRIES..... Pineville.  
                   WILLIAM H. MACKOY..... Covington.  
                   JOHN R. ALLEN..... Lexington.  
                   WARREN E. SETTLE..... Bowling Green.

**LOUISIANA.**

Vice-President, EDGAR H. FARRAR..... New Orleans.  
 Local Council, E. WAYLES BROWNE..... Shreveport.  
                   JOSEPH W. CARROLL..... New Orleans.  
                   DAVID B. H. CHAFFE..... New Orleans.  
                   HUNTER C. LEAKE..... New Orleans.  
                   JOHN C. PUGH..... Shreveport.  
                   LAMAR C. QUINTERO..... New Orleans.  
                   J. R. THORNTON..... Alexandria.  
                   JOHN F. C. WALDO..... New Orleans.

**MAINE.**

Vice-President, LEVI TURNER ..... Portland.  
 Local Council, HANNIBAL E. HAMLIN..... Ellsworth.  
                   JOHN B. MADIGAN..... Houlton.  
                   WILLIAM B. SKELTON..... Lewiston.  
                   WILLIAM M. INGRAHAM..... Portland.  
                   WILLIAM M. BRADLEY..... Portland.

**MARYLAND.**

Vice-President, THOMAS J. MORRIS..... Baltimore.  
 Local Council, GEORGE M. SHARP..... Baltimore.  
                   ALFRED S. NILES..... Baltimore.  
                   BENJAMIN A. RICHMOND..... Cumberland.  
                   RICHARD BERNARD ..... Baltimore.  
                   FRANK G. TURNER..... Baltimore.  
                   WALTER I. DAWKINS..... Baltimore.

**MASSACHUSETTS.**

Vice-President, ALFRED HEMENWAY ..... Boston.  
 Local Council, CHARLES B. BARNES, JR..... Boston.  
                   HOLLIS R. BAILEY..... Boston.  
                   HARVEY N. SHEPARD..... Boston.  
                   JOSEPH HENRY BEALE, JR... Cambridge.  
                   RICHARD W. IRWIN..... Northampton.

## MICHIGAN.

Vice-President, THOMAS A. E. WEADOCK..... Detroit.  
 Local Council, WILLIAM J. GRAY..... Detroit.  
                   SAMUEL T. DOUGLAS..... Detroit.  
                   CHARLES M. WILSON..... Grand Rapids.  
                   HENRY M. BATES..... Ann Arbor.  
                   ALEXANDER K. GAGE..... Detroit.  
                   GEORGE W. BATES..... Detroit.  
                   JOSEPH H. CLARK..... Detroit.  
                   JAMES F. BARNETT..... Grand Rapids.  
                   WILLIAM L. CARPENTER..... Detroit.  
                   HARRY H. WAIT..... Detroit.

## MINNESOTA.

Vice-President, CHARLES T. THOMPSON..... Minneapolis.  
 Local Council, EDMUND S. DURMENT..... St. Paul.  
                   OSCAR MITCHELL ..... Duluth.  
                   E. D. BUFFINGTON..... Stillwater.  
                   C. A. FOSNES..... Montivideo.  
                   E. SOUTHWORTH ..... Shakopee.

## MISSISSIPPI.

Vice-President, JOHN M. ALLEN..... Tupelo.  
 Local Council, D. W. HOUSTON..... Aberdeen.  
                   C. H. ALEXANDER..... Jackson.  
                   A. W. SHANDS..... Sardis.  
                   A. T. STOVALL..... Okolona.  
                   ROBERT N. MILLER..... Hazlehurst.

## MISSOURI.

Vice-President, THOMAS H. REYNOLDS..... Kansas City.  
 Local Council, GEORGE ROBERTSON ..... Mexico.  
                   EDWARD C. KEHR..... St. Louis.  
                   JACOB KLEIN ..... St. Louis.  
                   SENECA N. TAYLOR..... St. Louis.  
                   LOU O. HOCKER..... St. Louis.  
                   EDWARD C. ELIOT..... St. Louis.  
                   CHARLES E. MADISON..... Kansas City.  
                   VINTON PIKE ..... St. Joseph.

## MONTANA.

Vice-President, WILLIAM B. RODGERS..... Anaconda.  
 Local Council, W. N. NOFFSINGER..... Kalispell.  
                   THEODORE BRANTLEY ..... Helena.

**NEBRASKA.**

Vice-President, IRVING F. BAXTER..... Omaha.  
 Local Council, ELEAZER WAKELEY ..... Omaha.  
                   JOHN L. WEBSTER..... Omaha.  
                   W. G. HASTINGS..... Lincoln.  
                   FRANK H. WOODS..... Lincoln.  
                   JAMES C. KINSLER..... Omaha.

**NEVADA.**

Vice-President, (Vacant) .....  
 Local Council, (Vacant) .....

**NEW HAMPSHIRE.**

Vice-President, JAMES F. COLBY..... Hanover.  
 Local Council, FRANK S. STREETER..... Concord.  
                   HENRY N. HURD..... Manchester.  
                   ALVIN BURLEIGH ..... Plymouth.

**NEW JERSEY.**

Vice-President, ROBERT H. McCARTER..... Newark.  
 Local Council, ALAN H. STRONG..... New Brunswick.  
                   CHARLES BORCHERLING .... Newark.  
                   JOHN R. HARDIN..... Newark.  
                   EDWARD Q. KEASBEY..... Newark.  
                   ADRIAN RIKER ..... Newark.  
                   ADRIAN LYON ..... Perth Amboy.

**NEW MEXICO.**

Vice-President, THOMAS B. CATRON..... Santa Fe.  
 Local Council, WILLIAM H. POPE..... Roswell.

**NEW YORK.**

Vice-President, ANSLEY WILCOX ..... Buffalo.  
 Local Council, THEODORE SUTRO ..... New York City.  
                   FRANKLIN M. DANAHER..... Albany.  
                   ELBRIDGE L. ADAMS..... New York City.  
                   CHARLES A. BOSTON..... New York City.  
                   LOUIS L. WATERS..... Syracuse.  
                   A. J. McCRARY..... Binghamton.

**NORTH CAROLINA.**

Vice-President, CLEMENT MANLY ..... Winston-Salem.  
 Local Council, THOMAS S. ROLLINS..... Asheville.  
                   AUBREY L. BROOKS..... Greensboro.  
                   JOHN L. BRIDGERS..... Tarboro.  
                   WILLIAM D. PRUDEN..... Edenton.  
                   L. H. CLEMENT..... Salisbury.

## NORTH DAKOTA.

Vice-President, NEWTON C. YOUNG..... Fargo.  
Local Council, BURLEIGH F. SPALDING..... Fargo.  
ANDREW A. BRUCE..... Grand Forks.  
TRACY R. BANGS..... Grand Forks.  
WILLIAM H. THOMAS..... Leeds.  
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BEDFORD, CHARLES .....	Tacoma, Wash.
BEDFORD, J. CLAUDE.....	Philadelphia, Pa.
BEEBER, DIMNER .....	Philadelphia, Pa.
BEEKMAN, CHARLES K.....	New York, N. Y.
BEEKS, W. T.....	Valdez, Alaska Ter.
BEELE, JOSEPH G.....	North Platte, Neb.
BEERS, GEORGE E.....	New Haven, Conn.
BEGG, WILLIAM R.....	St. Paul, Minn.
BELCHER, S. CLIFFORD.....	Farmington, Me.
BELL, CHARLES U.....	Andover, Mass.
BELL, CLARK .....	Dundee, N. Y.
BELL, J. W.....	Portland, Oregon.
BELL, JAMES D.....	Brooklyn, N. Y.
BELL, JOHN C.....	Philadelphia, Pa.
BELL, JOSEPH C.....	Trinidad, Col.
BELL, T. F.....	Shreveport, La.
BELL, W. P.....	Everett, Wash.
BELL, WILLIAM ALEXANDER.....	New Orleans, La.
BELT, WILLIAM O.....	Chicago, Ill.
BENEDICT, ABRAHAM .....	New York, N. Y.
BENNETT, DAVID C., JR.....	New York, N. Y.
BENNETT, EDMON G.....	Denver, Col.
BENNETT, SAMUEL C.....	Boston, Mass.
BENTLEY, CYRUS .....	Chicago, Ill.
BENTON, C. E.....	Fort Scott, Kan.
BERGEN, JAMES J.....	Somerville, N. J.

BERGEN, TUNIS G.....	New York, N. Y.
BERNARD, RICHARD .....	Baltimore, Md.
BERNSTEIN, ALEXANDER .....	Portland, Ore.
BERRY, WALTER V. R.....	Washington, D. C.
BERTOLETTE, FREDERICK .....	Mauch Chunk, Pa.
BEST, JAMES I.....	Minneapolis, Minn.
BESTOR, DANIEL P.....	Mobile, Ala.
BETTMAN, ALFRED .....	Cincinnati, Ohio.
BICKFORD, WALTER M.....	Butte, Mont.
BIDDLE, CHARLES .....	Philadelphia, Pa.
BIDDLE, W. R.....	Fort Scott, Kan.
BIEBER, A. G. CURTIN.....	Guthrie, Okla.
BIGELOW, MELVILLE M.....	Boston, Mass.
BIGGS, A. W.....	Memphis, Tenn.
BIGGS, J. CRAWFORD.....	Durham, N. C.
BLJUR, NATHAN .....	New York, N. Y.
BILLINGS, CHARLES L.....	Chicago, Ill.
BILLINGSLEY, N. B.....	Lisbon, Ohio.
BINGHAM, JAMES .....	Indianapolis, Ind.
BINGHAM, ROBERT W.....	Louisville, Ky.
BINNEY, CHARLES CHAUNCEY.....	Philadelphia, Pa.
BINNEY, HAROLD .....	New York, N. Y.
BIRD, GEORGE E.....	Portland, Me.
BISBEE, GEORGE D.....	Rumford Falls, Me.
BISBEE, HORATIO .....	Jacksonville, Fla.
BISBEE, RALPH .....	New York, N. Y.
BISCHOFF, HENRY. JR.....	New York, N. Y.
BISSELL, JOHN H.....	Detroit, Mich.
BLACK, ALFRED L.....	Bellingham, Wash.
BLACK, W. W.....	Everett, Wash.
BLACKBURN, THOMAS W.....	Omaha, Neb.
BLACKMUR, PAUL R.....	Boston, Mass.
BLACKWOOD, JOHN W.....	Little Rock, Ark.
BLAINE, ELBERT F.....	Seattle, Wash.
BLAIR, ALBERT .....	St. Louis, Mo.
BLAIR, HENRY P.....	Washington, D. C.
BLAIR, JESSE H.....	Indianapolis, Ind.
BLAIR, JOHN S.....	Washington, D. C.
BLAKE, ERNEST E.....	El Reno, Okla.
BLAKE, FREEMAN K.....	Chicago, Ill.
BLAKE, HENRY F.....	Seattle, Wash.
BLAKE, JAMES KINGSLEY.....	New Haven, Conn.
BLAKE, JOHN J.....	Boise, Ida.
BLAKELEY, WILLIAM A.....	Pittsburgh, Pa.
BLANCHARD, ALBERT L.....	Bangor, Me.

BLANCHARD, CYRUS N.....	Wilton, Me.
BLANCHARD, JOHN .....	Bellefonte, Pa.
BLANCHARD, NEWTON C.....	Shreveport, La.
BLANDY, CHARLES .....	New York, N. Y.
BLEDSE, S. T.....	Guthrie, Okla.
BLEVINS, JOHN A.....	St. Louis, Mo.
BLODGETT, EDWARD E.....	Boston, Mass.
BLODGETT, HENRY W.....	St. Louis, Mo.
BLOOD, JAMES H.....	Denver, Col.
BLOUNT, WILLIAM A.....	Pensacola, Fla.
BLMYER, WILLIAM H.....	New York, N. Y.
BOABMAN, ALECK .....	Shreveport, La.
BOATNER, MARK M.....	New Orleans, La.
BODGE, EUGENE L.....	Portland, Me.
BOESCHE, HERMAN G.....	South Omaha, Neb.
BOGERT, HENRY L.....	New York, N. Y.
BOGLE, W. H.....	Seattle, Wash.
BOHLEN, FRANCIS H.....	Philadelphia, Pa.
BOICE, AUGUSTIN .....	Indianapolis, Ind.
BOLLINGER, JAMES WILLS.....	Davenport, Iowa.
BOMBERGER, LOUDON F.....	Hammond, Ind.
BONAPARTE, CHARLES J.....	Baltimore, Md.
BOND, LAWRENCE .....	Boston, Mass.
BOND, SAMUEL R.....	Washington, D. C.
BONER, W. W.....	Aberdeen, Wash.
BONNER, J. W.....	Nashville, Tenn.
BONSON, ROBERT .....	Dubuque, Iowa.
BONYNGE, ROBERT W.....	Denver, Col.
BOOTH, CHARLES D.....	Portland, Me.
BOOTH, ROBERT F.....	Seattle, Wash.
BOOTH, WILBUR F.....	Minneapolis, Minn.
BOOTHBY, JOHN WILLIAM.....	New York, N. Y.
BORAH, WILLIAM E.....	Boise, Ida.
BORCHERLING, CHARLES .....	Newark, N. J.
BORCHERT, HERMANN .....	New York, N. Y.
BORLAND, WILLIAM P.....	Kansas City, Mo.
BOSTON, CHARLES A.....	New York, N. Y.
BOSTWICK, S. A.....	Everett, Wash.
BOSTWICK, WILLIAM M., JR.....	Jacksonville, Fla.
BOSWORTH, ORRIN L.....	Bristol, R. I.
BOTSFORD, JAMES S.....	Kansas City, Mo.
BOUCK, FRANCIS E.....	Leadville, Col.
BOUDEMAN, DALLAS .....	Kalamazoo, Mich.
BOWEN, ADNA G.....	Medina, N. Y.
BOWERS, E. J.....	Bay St. Louis, Miss.

BOWERS, JAMES W., JR.....	Baltimore, Md.
BOWERS, LLOYD W.....	Chicago, Ill.
BOYD, A. HUNTER.....	Cumberland, Md.
BOYD, CLARENCE T.....	Nashville, Tenn.
BOYLE, WILBUR F.....	St. Louis, Mo.
BOYS, WILLIAM H.....	Streator, Ill.
BOZEMAN, ALBERT S.....	Meridian, Miss.
BRADBURY, JAMES O.....	Saco, Me.
BRADFORD, CHESTER .....	Indianapolis, Ind.
BRADFORD, EDWARD G.....	Wilmington, Del.
BRADLEY, WILLIAM M.....	Portland, Me.
BRADY, ARTHUR W.....	Anderson, Ind.
BRADY, P. J.....	Cleveland, Ohio.
BRANCH, OLIVER E.....	Manchester, N. H.
BRANDEIS, ALBERT S.....	Louisville, Ky.
BRANDEIS, LOUIS D.....	Boston, Mass.
BRANDON, MORRIS .....	Atlanta, Ga.
BRANDT, EMIL J.....	Seattle, Wash.
BRANN, HENRY A.....	New York, N. Y.
BRANNAN, J. DODDRIDGE.....	Cambridge, Mass.
BRANNON, W. W.....	Weston, W. Va.
BRANTLEY, THEODORE .....	Helena, Mont.
BRANTLY, WILLIAM T.....	Baltimore, Md.
BEASTED, FRED. ....	Oklahoma City, Okla.
BRATTON, WILLIAM A.....	Marlinton, W. Va.
BRAXTON, A. C.....	Richmond, Va.
BRAYTON, ISRAEL .....	Fall River, Mass.
BREATHITT, JAMES .....	Frankfort, Ky.
BREAUX, JOSEPH A.....	New Iberia, La.
BRECKENRIDGE, RALPH W.....	Omaha, Neb.
BREED, WILLIAM C.....	New York, N. Y.
BREEN, WILLIAM P.....	Fort Wayne, Ind.
BRENNAN, ROBERT .....	Des Moines, Iowa.
BREWER, DANIEL CHAUNCEY.....	Boston, Mass.
BREWER, DAVID J.....	Washington, D. C.
BREWER, L. H.....	Hoquiam, Wash.
BREWSTER, JAMES H.....	Ann Arbor, Mich.
BRICE, ALBERT G.....	New Orleans, La.
BRIDGERS, JOHN L.....	Tarboro, N. C.
BRIDGES, J. B.....	Aberdeen, Wash.
BRIGGS, ASA G.....	St. Paul, Minn.
BRIGGS, CHARLES G.....	Portland, Me.
BRIGHT, MICHAEL S.....	Duluth, Minn.
BRIGHTLY, FRANK F.....	Philadelphia, Pa.
BRISCOE, CHARLES H.....	Hartford, Conn.

BRISCOE, JOHN P.....	Prince Frederick, Md.
BRITT, E. W.....	Los Angeles, Cal.
BRITTON, ALEXANDER .....	Washington, D. C.
BRIZZOLARA, JAMES .....	Fort Smith, Ark.
BROCK, CHARLES R.....	Denver, Col.
BROCKETT, NORWOOD W.....	Seattle, Wash.
BRODEK, CHARLES A.....	New York, N. Y.
BROGAN, FRANCIS A.....	Omaha, Neb.
BROMBERG, FREDERICK G.....	Mobile, Ala.
BROME, HARRISON C.....	Omaha, Neb.
BRONAUGH, JERRY E.....	Portland, Ore.
BRONSON, HARRISON A.....	Grand Forks, N. D.
BRONSON, IRA .....	Seattle, Wash.
BRONSON, NATHANIEL R.....	Waterbury, Conn.
BROOKS, AUBREY L.....	Greensboro, N. C.
BROOKS, FRANK C.....	Minneapolis, Minn.
BROOKS, FRANKLIN E.....	Colorado Springs, Col.
BROOKS, JAMES B.....	Syracuse, N. Y.
BROOKS, J. W.....	Walla Walla, Wash.
BROSMITH, WILLIAM .....	Hartford, Conn.
BROUSSARD, ROBERT F.....	New Iberia, La.
BROWN, ADDISON .....	New York, N. Y.
BROWN, CHAPIN .....	Washington, D. C.
BROWN, CHARLES A.....	Chicago, Ill.
BROWN, EDWARD O.....	Chicago, Ill.
BROWN, ELON R .....	Watertown, N. Y.
BROWN, FOSTER V.....	Chattanooga, Tenn.
BROWN, FRANCIS SHUNK.....	Philadelphia, Pa.
BROWN, FREDERICK A.....	Chicago, Ill.
BROWN, FREDERICK V.....	Seattle, Wash.
BROWN, J. HAY.....	Lancaster, Pa.
BROWN, JAMES H.....	Denver, Col.
BROWN, JOHN A.....	Philadelphia, Pa.
BROWN, JOHN DOUGLASS.....	Philadelphia, Pa.
BROWN, L. FRANK.....	Seattle, Wash.
BROWN, LESLIE L.....	Winona, Minn.
BROWN, MELVILLE C.....	Laramie, Wyo.
BROWN, NEAL .....	Wausau, Wis.
BROWN, PAUL .....	Chicago, Ill.
BROWN, R. A.....	St. Joseph, Mo.
BROWN, ROME G.....	Minneapolis, Minn.
BROWN, SELDEN S.....	Rochester, N. Y.
BROWN, TAYLOR E.....	Chicago, Ill.
BROWN, W. W.....	Parsons, Kan.
BROWN, WILLIAM .....	Jacksonville, Fla.
BROWNE, ALDIS B.....	Washington, D. C.

BROWNE, ARTHUR S.....	Washington, D. C.
BROWNE, E. WAYLES.....	Shreveport, La.
BROWNELL, F. H.....	Everett, Wash.
BROWNSON, ROBERT M.....	Detroit, Mich.
BRUCE, ANDREW A.....	Grand Forks, N. D.
BRUCE, HELM .....	Louisville, Ky.
BRUCE, S. M.....	Bellingham, Wash.
BRUENN, BERNARD .....	New Orleans, La.
BRUNINI, JOHN B.....	Vicksburg, Miss.
BRUNO, RICHARD M.....	New York, N. Y.
BRUNOT, H. F.....	Baton Rouge, La.
BRYAN, GEORGE .....	Richmond, Va.
BRYAN, NATHAN P.....	Jacksonville, Fla.
BRYAN, P. TAYLOR .....	St. Louis, Mo.
BRYANT, WILLIAM H.....	Denver, Col.
BRYSON, HERBERT C.....	Walla Walla, Wash.
BRYSON, JOSEPH M.....	St. Louis, Mo.
BUCHANAN, CHARLES J.....	Albany, N. Y.
BUCHANAN, JAMES .....	Trenton, N. J.
BUCK, CHARLES FRANCIS.....	New Orleans, La.
BUCK, GORDON M.....	New York, N. Y.
BUCKHAM, THOMAS S.....	Faribault, Minn.
BUCKINGHAM, GEORGE T.....	Chicago, Ill.
BUCKLER, WILLIAM H.....	Baltimore, Md.
BUCKMAN, HENRY H.....	Jacksonville, Fla.
BUDD, HENRY .....	Philadelphia, Pa.
BUFFINGTON, EDWIN D.....	Stillwater, Minn.
BUFFINGTON, GEORGE W.....	Minneapolis, Minn.
BUIST, HENRY .....	Charleston, S. C.
BULLITT, JOSHUA F.....	Big Stone Gap, Va.
BULLITT, THOMAS W.....	Louisville, Ky.
BULLITT, WILLIAM MARSHALL.....	Louisville, Ky.
BULLOCK, A. G.....	Worcester, Mass.
BULLOWA, FERDINAND E. M.....	New York, N. Y.
BUMPUS, EVERETT C.....	Boston, Mass.
BUNDY, MCGEORGE .....	Grand Rapids, Mich.
BUNKER, ROBERT E.....	Ann Arbor, Mich.
BUNN, CHARLES W.....	St. Paul, Minn.
BUNN, GEORGE L.....	St. Paul, Minn.
BUNN, JOHN MARSHALL.....	Spokane, Wash.
BURCH, CHARLES N.....	Memphis, Tenn.
BURCHARD, JOHN E.....	St. Paul, Minn.
BURDICK, CHARLES W.....	Cheyenne, Wyo.
BURDICK FRANCIS M.....	New York, N. Y.
BURGER, LOUIS J.....	Baltimore, Md.

BURGES, WILLIAM H.....	El Paso, Tex.
BURKE, JOHN HENRY.....	Ballston Spa, N. Y.
BURKE, THOMAS .....	Seattle, Wash.
BURKE, TIMOTHY F.....	Cheyenne, Wyo.
BURKET, HARLAN F.....	Findlay, Ohio.
BURKS, PAUL .....	Prescott, Arizona Ter.
BURLEIGH, ALVIN .....	Plymouth, N. H.
BURLEIGH, LEWIS A.....	Augusta, Me.
BURNETT, WILLIAM H.....	Philadelphia, Pa.
BURNHAM, ADDISON C.....	Boston, Mass.
BURNHAM, TELFORD .....	Chicago, Ill.
BURR, CHARLES H.....	Philadelphia, Pa.
BURR, CHARLES L.....	New York, N. Y.
BURR, STILES W.....	St. Paul, Minn.
BURR, WILLIAM P.....	New York, N. Y.
BURROUGHS, BENJAMIN R.....	Edwardsville, Ill.
BURRY, WILLIAM .....	Chicago, Ill.
BURTON, JOHN W.....	Arcadia, Fla.
BURWELL, BENJAMIN F.....	Oklahoma City, Okla.
BUSHNELL, T. H.....	Cleveland, Ohio.
BUTLER, AMOS K.....	Skowhegan, Me.
BUTLER, CHARLES HENRY (Washington, D. C.)	Yonkers, N. Y.
BUTLER, FRANK W.....	Farmington, Me.
BUTLER, FREDERICK M.....	Rutland, Vt.
BUTLER, HUGH .....	Denver, Col.
BUTLER, NOBLE C.....	Indianapolis, Ind.
BUTLER, PIERCE .....	St. Paul, Minn.
BUTLER, RUSH C.....	Chicago, Ill.
BUTLER, WILLIAM ALLEN, JR.....	New York, N. Y.
BUTTON, FREDERICK H.....	New York, N. Y.
BUTTON, WILLIAM H.....	New York, N. Y.
BYERS, ALPHEUS .....	Seattle, Wash.
BYNUM, W. P., JR.....	Greensboro, N. C.
BYRNE, JAMES .....	New York, N. Y.
BYRNES, DANIEL .....	Chicago, Ill.
CABANISS, E. H.....	Birmingham, Ala.
CABELL, P. H. C.....	Richmond, Va.
CADWALADER, JOHN .....	Philadelphia, Pa.
CADWALADER, JOHN L.....	New York, N. Y.
CAGE, MILTON G.....	Boise, Ida.
CAHN, EDGAR M.....	New Orleans, La.
CAHN, WILLIAM L.....	New York, N. Y.
CAIN, OSCAR .....	Walla Walla, Wash.
CAIN, STITH M.....	Nashville, Tenn.
CAIRNS, CHARLES S.....	Minneapolis, Minn.

CALHOUN, C. C. (Washington, D. C.)	Lexington, Ky.
CALHOUN, PAT.	New York, N. Y.
CALHOUN, SCOTT	Seattle, Wash.
CALHOUN, WILLIAM J.	Chicago, Ill.
CALLAHAN, DENNIS J.	Lewiston, Me.
CALLAHAN, JAMES P. H.	Hoquiam, Wash.
CALLAWAY, FRANK E.	Atlanta, Ga.
CALVERT, CLEON K.	Hyden, Ky.
CAMERON, FREDERICK W.	Albany, N. Y.
CAMP, E. C.	Knoxville, Tenn.
CAMPBELL, CHARLES H.	Detroit, Mich.
CAMPBELL, FREDERICK B.	New York, N. Y.
CAMPBELL, HENRY M.	Detroit, Mich.
CAMPBELL, IRA A.	Seattle, Wash.
CAMPBELL, J. J.	Pittsburg, Kan.
CAMPBELL, JOHN	Denver, Col.
CAMPBELL, LEMUEL R.	Nashville, Tenn.
CAMPBELL, NORMAN M.	Colorado Springs, Col.
CAMPBELL, ROBERT B.	Greenville, Miss.
CANADAY, WALTER	Marshalltown, Iowa.
CANFIELD, GEORGE F.	New York, N. Y.
CANFIELD, H. W.	Colfax, Wash.
CANN, J. FERRIS	Savannah, Ga.
CANNON, E. J.	Spokane, Wash.
CANT, WILLIAM A.	Duluth, Minn.
CANTRELL, DEADERICK H.	Little Rock, Ark.
CANTWELL, WILLIAM W.	New York City, N. Y.
CAPEN, CHARLES L.	Bloomington, Ill.
CARDOZO, ERNEST A.	New York, N. Y.
CAREY, CHARLES H.	Portland, Ore.
CAREY, FRANCIS K.	Baltimore, Md.
CAREY, MARTIN	New York, N. Y.
CARMODY, MARTIN H.	Grand Rapids, Mich.
CARPENTER, GEORGE A.	Chicago, Ill.
CARPENTER, JAMES EMERSON	New York, N. Y.
CARPENTER, SAMUEL L.	Goldfield, Nev.
CARPENTER, WILLIAM L.	Detroit, Mich.
CARR, E. M.	Manchester, Iowa.
CARR, E. M.	Seattle, Wash.
CARR, JAMES A.	St. Louis, Mo.
CARROLL, CHARLES	New Orleans, La.
CARROLL, JOSEPH WHEADON	New Orleans, La.
CARROLL, P. P.	Seattle, Wash.
CARROLL, WILLIAM H.	Memphis, Tenn.
CARROW, HOWARD	Camden, N. J.



CARSON, HAMPTON L.....	Philadelphia, Pa.
CARSON, JOHN F.....	Indianapolis, Ind.
CARTER, CHARLES H.....	Baltimore, Md.
CARTER, FRANK .....	St. Louis, Mo.
CARTER, H. C.....	San Antonio, Tex.
CARTER, HENRY J.....	New Orleans, La.
CARTER, HENRY W.....	Chicago, Ill.
CARTER, JARVIS P.....	New York, N. Y.
CARTER, ORRIN N.....	Chicago, Ill.
CARTER, SETH M.....	Lewiston, Me.
CARTON, JOHN J.....	Flint, Mich.
CARVER, EUGENE P.....	Boston, Mass.
CARVER, F. J.....	Seattle, Wash.
CARVER, M. H.....	Natchitoches, La.
CARY, ALFRED L.....	Milwaukee, Wis.
CARY, ROBERT J.....	Chicago, Ill.
CASGRAIN, CHARLES W.....	Detroit, Mich.
CASH, DANIEL G.....	Duluth, Minn.
CASSODAY, ELDON J.....	Chicago, Ill.
CASTLE, WILLIAM R.....	Honolulu, H. T.
CATES, CHARLES T., JR.....	Knoxville, Tenn.
CATHERWOOD, S. D.....	Austin, Minn.
CATON, JAMES R.....	Alexandria, Va.
CATRON, THOMAS B.....	Santa Fé, N. M.
CAVANAH, CHARLES C.....	Boise, Ida.
CAVENDER, CHARLES .....	Leadville, Col.
CHAROT, JOSEPH G.....	Lewiston, Me.
CHADBOURNE, THOMAS L.....	Houghton, Mich.
CHADWICK, STEPHEN J.....	Colfax, Wash.
CHAFFE, DAVID B. H.....	New Orleans, La.
CHAMBERLAIN, GEORGE E.....	Portland, Ore.
CHAMBERLAYNE, CHARLES F.....	Monument Beach, Mass
CHAMBERLIN, FREDERIC E.....	Bayonne, N. J.
CHAMBERS, FRANCIS T.....	Philadelphia, Pa.
CHAMPLIN, EDGAR R.....	Boston, Mass.
CHANCELLOR, JUSTUS .....	Chicago, Ill.
CHANDLER, ALFRED D.....	Boston, Mass.
CHANDLER, JEFFERSON .....	Los Angeles, Cal.
CHANDLER, JOSEPH H.....	Chicago, Ill.
CHANLER, LEWIS STUYVESANT.....	New York, N. Y.
CHAPIN, WALTER L.....	St. Paul, Minn.
CHAPMAN, S. SPENCER.....	Philadelphia, Pa.
CHAPMAN, WILFORD G.....	Portland, Me.
CHAPPELL, FRED. L.....	Kalamazoo, Mich.
CHARLES, BENJAMIN H.....	St. Louis, Mo.

CHARLTON, WALTER G.....	Savannah, Ga.
CHASE, GEORGE .....	New York, N. Y.
CHASE, IRA A.....	Bristol, N. H.
CHASE, NATHAN H.....	Minneapolis, Minn.
CHASE, WARREN D.....	Hartford, Conn.
CHEEVER, DWIGHT B.....	Chicago, Ill.
CHENEY, B. G.....	Montesano, Wash.
CHERRY, W. S. G.....	Sioux Falls, S. D.
CHESTER, L. F.....	Tacoma, Wash.
CHICKERING, W. H.....	San Francisco, Cal.
CHILD, S. R.....	Minneapolis, Minn.
CHILDS, CLARENCE H.....	Minneapolis, Minn.
CHILDS, EDWARDS H.....	New York, N. Y.
CHIPMAN, MARCELLUS A.....	Anderson, Ind.
CHIBURG, ISIDORE S.....	New York, N. Y.
CHITTENDEN, GRANVILLE I.....	Denver, Col.
CHITTICK, HENRY R.....	New York, N. Y.
CHOATE, JOSEPH H.....	New York, N. Y.
CHOATE, WARD N.....	Detroit, Mich.
CHRETIEN, FRANK D.....	New Orleans, La.
CHRISMAN, CHARLES E.....	Ortonville, Minn.
CHRISTIAN, FRANK P.....	Lynchburg, Va.
CHRISTIE, HARVEY L.....	St. Louis, Mo.
CHRISTY, GEORGE H.....	Pittsburgh, Pa.
CHRYSTIE, T. LUDLOW.....	New York, N. Y.
CHURCH, JOSEPH B.....	Washington, D. C.
CHURCH, MELVILLE .....	Washington, D. C.
CHYTRAUS, AXEL .....	Chicago, Ill.
CIST, EDGAR WILSON.....	Cincinnati, Ohio.
CLAPHAM, WILLIAM E.....	Vinita, Okla.
CLAPP, NEWEL H.....	St. Paul, Minn.
CLAPP, ROBERT P.....	Lexington, Mass.
CLARK, CHESTER W.....	Boston, Mass.
CLARK, ELMER C.....	Oswego, Kan.
CLARK, GIBSON .....	Cheyenne, Wyo.
CLARK, HOMER P.....	St. Paul, Minn.
CLARK, HUGO .....	Bangor, Me.
CLARK, I. R.....	Boston, Mass.
CLARK, JEFFERSON .....	New York, N. Y.
CLARK, JOSEPH H.....	Detroit, Mich.
CLARK, MARTIN .....	Buffalo, N. Y.
CLARK, W. A.....	Virginia City, Mont.
CLARKE, ENOS .....	St. Louis, Mo.
CLARKE, FREDERICK H.....	New York, N. Y.
CLARKE, JOHN H.....	Cleveland, Ohio.

CLARKE, R. FLOYD .....	New York, N. Y.
CLARKE, SAMUEL B.....	New York, N. Y.
CLARKSON, WALTER B.....	Jacksonville, Fla.
CLAY, WILLIAM LAW.....	Savannah, Ga.
CLAYPOOL, CHARLES E. (Olympia, Wash.)....	Fairbanks, Alaska Ter.
CLEARWATER, ALPHONSO T.....	Kingston, N. Y.
CLEAVELAND, LIVINGSTON W.....	New Haven, Conn.
CLEAVES, BENJAMIN F.....	Biddeford, Me.
CLEAVES, HENRY B.....	Portland, Me.
CLEMENT, CHARLES M.....	Sunbury, Pa.
CLEMENT, L. H.....	Salisbury, N. C.
CLEPHANE, WALTER C.....	Washington, D. C.
CLEVINGER, WILLIAM M.....	Atlantic City, N. J.
CLIFFORD, CHARLES W.....	New Bedford, Mass.
CLIFFORD, M. L.....	Tacoma, Wash.
CLIFFORD, NATHAN .....	Portland, Me.
CLIGGETT, JOHN .....	Mason City, Iowa.
CLINCH, EDWARD S.....	New York, N. Y.
COAKLEY, DANIEL H.....	Boston, Mass.
COAKLEY, TIMOTHY W.....	Boston, Mass.
COBB, A. WARD.....	New York, N. Y.
COBB, ALBERT C.....	Minneapolis, Minn.
COBB, JOHN C.....	Portland, Me.
COBB, W. BRUCE .....	New York, N. Y.
COCHRAN, ALEXANDER G.....	St. Louis, Mo.
COCHRAN, ANDREW M. J.....	Maysville, Ky.
COCKE, LUCIAN H.....	Roanoke, Va.
COCKRAN, W. BOURKE.....	New York, N. Y.
COCKBILL, ASHLEY .....	Little Rock, Ark.
COCO, ADOLPH VALERY.....	Marksville, La.
COFFEEN, M. LESTER.....	Chicago, Ill.
COFFIN, HERBERT LAWTON.....	New York, N. Y.
COHEN, D. SOLIS.....	Portland, Ore.
COHEN, EMANUEL .....	Minneapolis, Minn.
COHEN, JULIUS HENRY.....	New York, N. Y.
COHEN, MAX G.....	Portland, Ore.
COHN, MORRIS M.....	Little Rock, Ark.
COKE, HENRY C.....	Dallas, Tex.
COLAHAN, JOHN BARRY.....	Philadelphia, Pa.
COLBERT, MICHAEL J.....	Washington, D. C.
COLBY, BAINBRIDGE .....	New York, N. Y.
COLBY, JAMES F.....	Hanover, N. H.
COLE, CLARENCE L.....	Atlantic City, N. J.
COLE, GEORGE B.....	Seattle, Wash.
COLEMAN, J. A.....	Everett, Wash.

COLEMAN, LEWIS MINOR.....	Chattanooga, Tenn.
COLES, WALTER D.....	St. Louis, Mo.
COLIE, EDWARD M.....	Newark, N. J.
COLLIER, FREDERICK J.....	Hudson, N. Y.
COLLINS, CHARLES CUMMINGS.....	St. Louis, Mo.
COLLINS, JOSIAH .....	Seattle, Wash.
COLLINS, O. E.....	Colorado Springs, Colo.
COLSTON, EDWARD .....	Cincinnati, Ohio.
COLT, LEBARON B.....	Providence, R. I.
COMFORT, F. V.....	Stillwater, Minn.
COMSTOCK, RICHARD B.....	Providence, R. I.
CONANT, EBNEST B.....	Lincoln, Neb.
CONANT, GEORGE A.....	Hartford, Conn.
CONDON, JOHN T.....	Seattle, Wash.
CONGDON, CHESTER A.....	Duluth, Minn.
CONGER, CLARENCE R.....	New York, N. Y.
CONKLIN, MARION .....	Jamestown, N. D.
CONOVER, D. C.....	Seattle, Wash.
COOK, CHARLES SUMNER.....	Portland, Me.
COOK, E. S.....	Cleveland, Ohio.
COOK, SAMUEL E.....	Huntington, Ind.
COOLEY, H. D.....	Everett, Wash.
COOLIDGE, WILLIAM H.....	Boston, Mass.
COOPER, DRURY W.....	New York, N. Y.
COOPER, JOHN T.....	Parkersburg, W. Va.
COOPER, LAWRENCE .....	Huntsville, Ala.
COOPER, WILLIAM THOMAS.....	Chattanooga, Tenn.
COPELAND, ALFRED M.....	Springfield, Mass.
CORBET, BURKE .....	San Francisco, Cal.
CORBIN, WILLIAM H.....	Jersey City, N. J.
CORBITT, JAMES H.....	Suffolk, Va.
COREY, HENRY B.....	New York, N. Y.
CORLISS, GUY C. H.....	Grand Forks, N. D.
CORLISS, JOHN B.....	Detroit, Mich.
CORNING, CHARLES R.....	Concord, N. H.
CORNISH, LESLIE C.....	Augusta, Me.
CORTHELL, NELLIS E.....	Laramie, Wyo.
COSTIGAN, EDWARD P.....	Denver, Col.
COSTIGAN, GEORGE P., JR.....	Lincoln, Neb.
COTTER, JAMES E.....	Boston, Mass.
COTTON, JOSEPH B.....	Duluth, Minn.
COUDERT, FREDERIC R., JR.....	New York, N. Y.
COUSE, HOWARD A.....	Cleveland, Ohio.
COVELL, GEORGE V.....	Traverse City, Mich.
COWIN, JOHN C.....	Omaha, Neb.

COX, ARTHUR M.....	Chicago, Ill.
COX, ATTILLA, JR.....	Louisville, Ky.
COX, EUGENE A.....	Lewiston, Ida.
COX, FRANK .....	Phoenix, Ariz.
COXE, MACGRANE .....	New York, N. Y.
CRAIG, GAVIN W.....	Los Angeles, Cal.
CRAIG, JOHN E.....	Keokuk, Iowa.
CRAIN, JOHN H.....	Fort Scott, Kan.
CRAM, HENRY C.....	Providence, R. I.
CRANE, ALBERT (New York, N. Y.).....	Stamford, Conn.
CRANE, ALEXANDER B.....	New York, N. Y.
CRANE, FREDERICK E.....	Brooklyn, N. Y.
CRANE, JAY W.....	Minneapolis, Minn.
CRAPO, WILLIAM W.....	New Bedford, Mass.
CRAVATH, PAUL D.....	New York, N. Y.
CRAWFORD, COE I.....	Huron, S. D.
CRAWFORD, FRANK .....	Omaha, Neb.
CRAY, W. R.....	Minneapolis, Minn.
CRETIEN, FRANK D.....	New Orleans, La.
CRITCHLOW, EDWARD B.....	Salt Lake City, Utah.
CROCKER, GEORGE G.....	Boston, Mass.
CROCKER, WILLIAM D.....	Williamsport, Pa.
CROCKETT, RALPH W.....	Lewiston, Me.
CROSBY, JAMES O.....	Garnaville, Iowa.
CROSBY, JOHN C.....	Pittsfield, Mass.
CROSBY, WILSON G.....	Duluth, Minn.
CROSLY, FERDINAND S.....	New York, N. Y.
CROSS, DAVID .....	Manchester, N. H.
CROSS, GEORGE H.....	Traverse City, Mich.
CROSS, J. C.....	Aberdeen, Wash.
CROVATT, A. J.....	Brunswick, Ga.
CROW, HERMAN D.....	Olympia, Wash.
CROWLEY, EDWARD CHASE.....	New York, N. Y.
CRUIKSHANK, ALFRED B.....	New York, N. Y.
CRUM, B. P.....	Montgomery, Ala.
CULVER, FREDERIC F.....	New York, N. Y.
CULVER, M. EUGENE .....	Middletown, Conn.
CUMMING, JOSEPH B.....	Augusta, Ga.
CUMMING, S. GORDON .....	Hampton, Va.
CUMMINGS, HOMER S.....	Stamford, Conn.
CUMMINS, ALBERT B. (U. S. Senate).....	Des Moines, Iowa.
CUNNINGHAM, FREDERIC .....	Boston, Mass.
CUNNINGHAM, GEORGE A.....	Evansville, Ind.
CUNNINGHAM, HENRY C.....	Savannah, Ga.
CUNNINGHAM, HENRY V.....	Boston, Mass.

CUNNINGHAM, T. M., JR.	Savannah, Ga.
CURBAN, WILLIAM R.	Pekin, Ill.
CURTIS, HARRY C.	Providence, R. I.
CURTIS, LEONARD E.	Colorado Springs, Col.
CURTIS, W. J.	New York, N. Y.
CURTIS, WILLIAM EDMOND	New York, N. Y.
CURTIS, WILLIAM S.	St. Louis, Mo.
CUSHING, HARRY ALONZO.	New York, N. Y.
CUSHING, WILLIAM E.	Cleveland, Ohio.
CUSHMAN, EDWARD E.	Tacoma, Wash.
CUSTER, JACOB R.	Chicago, Ill.
CUTHBERT, LUCIUS M.	Denver, Col.
CUTTING, CHARLES S.	Chicago, Ill.
CUTTING, WILLIAM H.	Buffalo, Minn.
CUYLER, THOMAS DEWITT.	Philadelphia, Pa.
DAGGETT, THOMAS C.	St. Paul, Minn.
DALE, HORATIO F.	Des Moines, Iowa.
DALEY, A. F.	Wrightsville, Ga.
DALEY, ANDREW J.	Luverne, Minn.
DALY, EDWARD HAMILTON.	New York, N. Y.
DALY, JOSEPH F.	New York, N. Y.
DANA, SAMUEL W.	New Castle, Pa.
DANAHER, FRANKLIN M.	Albany, N. Y.
DANAHER, MICHAEL B.	Ludington, Mich.
DANIELS, EDWARD	Indianapolis, Ind.
DANIELS, FRANCIS B.	Chicago, Ill.
DART, HENRY P.	New Orleans, La.
D'AUTREMONT, CHARLES, JR.	Duluth, Minn.
DAVENPORT, DANIEL	Bridgeport, Conn.
DAVENPORT, JAMES S.	Vinita, Okla.
DAVEY, JOHN C., JR.	New Orleans, La.
DAVID, JOSEPH B.	Chicago, Ill.
DAVIDSON, SAMUEL P.	Tecumseh, Neb.
DAVIDSON, THEODORE F.	Asheville, N. C.
DAVIDSON, WILLIAM B.	Boise, Ida.
DAVIES, HOWARD	Portland, Me.
DAVIES, JULIEN T.	New York, N. Y.
DAVIES, WILLIAM GILBERT.	New York, N. Y.
DAVIS, ALBERT G.	Schenectady, N. Y.
DAVIS, BRODE B.	Chicago, Ill.
DAVIS, CHARLES HALL.	Petersburg, Va.
DAVIS, DABNEY C. T., JR.	Charleston, W. Va.
DAVIS, DAVID T.	New York, N. Y.
DAVIS, GEORGE B.	Washington, D. C.
DAVIS, HARRY C.	Denver, Col.

DAVIS, HENRY E.....	Washington, D. C.
DAVIS, HENRY K.....	New York, N. Y.
DAVIS, J. LIONBERGER.....	St. Louis, Mo.
DAVIS, JAMES C.....	Des Moines, Iowa.
DAVIS, RICHARD B.....	Petersburg, Va.
DAVIS, RICHARD J.....	Portsmouth, Va.
DAVIS, SYDNEY B.....	Terre Haute, Ind.
DAVIS, THOMAS W.....	Wilmington, N. C.
DAVIS, VERNON M.....	New York, N. Y.
DAVIS, WALTER W.....	Leadville, Col.
DAVIS, WILLIAM T.....	Pineville, Ky.
DAVISON, CHARLES STEWART.....	New York, N. Y.
DAW, GEORGE W.....	Troy, N. Y.
DAWES, CHESTER M.....	Chicago, Ill.
DAWKINS, WALTER I.....	Baltimore, Md.
DAWSON, CLYDE C.....	Canon City, Col.
DAWSON, WILLIAM H.....	Baltimore, Md.
DAWSON, WM. SHERMAN.....	Spokane, Wash.
DAY, E. C.....	Helena, Mont.
DAY, HARRY G.....	New Haven, Conn.
DAY, WILLIAM R (Washington, D. C.).....	Canton, Ohio.
DEAN, GEORGE C.....	New York, N. Y.
DEASY, LUERE B.....	Bar Harbor, Me.
DEBEVOISE, THOMAS M.....	New York, N. Y.
DEBRULER, ELLIS .....	Seattle, Wash.
DEERING, HENRY .....	Portland, Me.
DEERING, JAMES A.....	New York, N. Y.
DEERING, JOHN P.....	Saco, Me.
DEERY, JOHN .....	Dubuque, Iowa.
DEFREES, JOSEPH H.....	Chicago, Ill.
DEGRAFFENRIED, EDWARD .....	Greensboro, Ala.
DEICHES, MAURICE .....	New York, N. Y.
DELACY, JOHN F.....	Eastman, Ga.
DELACY, WILLIAM H.....	Washington, D. C.
DELLE, LEE C.....	North Yakima, Wash.
DEMING, HORACE E.....	New York, N. Y.
DEMPSEY, JAMES H.....	Cleveland, Ohio.
DENEEN, CHARLES S. (Springfield, Ill.).....	Chicago, Ill.
DENÉGRE, GEORGE .....	New Orleans, La.
DENEGRE, JAMES D.....	St. Paul, Minn.
DENÉGRE, WALTER D.....	New Orleans, La.
DENISON, ARTHUR C.....	Grand Rapids, Mich.
DENISON, HOWARD P.....	Syracuse, N. Y.
DENNIS, JAMES U.....	Baltimore, Md.
DENNISON, JOHN D.....	Dubuque, Iowa.

DENNISON, JOSEPH A.....	Boston, Mass.
DENT, S. H., JR.....	Montgomery, Ala.
DENT, THOMAS .....	Chicago, Ill.
DEPEW, CHAUNCEY M.....	New York, N. Y.
DEPUE, SHEPHERD .....	Newark, N. J.
DE STEIGUER, GEORGE E.....	Seattle, Wash.
DEUTSCH, HENRY .....	Minneapolis, Minn.
DEVECMON, WILLIAM C.....	Cumberland, Md.
DEVINE, THOMAS H.....	Pueblo, Col.
DEVITT, J. F.....	Muscatine, Iowa.
DEWART, FREDERICK W.....	Spokane, Wash.
DEWEY, WILLIAM P.....	New York, N. Y.
DEXTER, STANLEY W.....	New York, N. Y.
DIBELL, HOMER B.....	Duluth, Minn.
DICKEY, J. M.....	St. Paul, Minn.
DICKEY, LYLE A.....	Honolulu, H. T.
DICKINSON, DON M.....	Trenton, Mich.
DICKINSON, H. D.....	Minneapolis, Minn.
DICKINSON, J. M. (Washington, D. C.) .....	Chicago, Ill.
DICKINSON, J. R.....	Chicago, Ill.
DICKINSON, JULIAN G.....	Detroit, Mich.
DICKINSON, M. F.....	Boston, Mass.
DICKSON, SAMUEL .....	Philadelphia, Pa.
DIETRICH, FRANK S.....	Boise, Ida.
DILLARD, F. C.....	Chicago, Ill.
DILLARD, W. P.....	Fort Scott, Kan.
DILLARD, WM. B.....	St. Helen, Ore.
DILLAWAY, W. E. L.....	Boston, Mass.
DILLE, JOHN I.....	Minneapolis, Minn.
DILLON, JOHN F.....	New York, N. Y.
DINES, ORVILLE L.....	Denver, Col.
DINES, TYSON S.....	Denver, Col.
DINKELSPIEL, MAX .....	New Orleans, La.
DIVET, A. G.....	Wahpeton, N. D.
DIXON, JOHN R.....	Denver, Col.
DIXON, WARREN .....	Jersey City, N. J.
DIXON, WILLIAM W.....	Butte, Mont.
DOCKWEILER, ISIDORE B.....	Los Angeles, Cal.
DODGE, FREDERIC .....	Boston, Mass.
DODGE, FRED B.....	Minneapolis, Minn.
DODGE, JOHN W.....	Jacksonville, Fla.
DODGE, WILLIAM W.....	Washington, D. C.
DODGE, WILLIS EDWARD.....	Minneapolis, Minn.
DOGGETT, JOHN L.....	Jacksonville, Fla.
DOIG, D. H.....	Jacksonville, Fla.



DONALDSON, R. GOLDEN.....	Washington, D. C.
DONALDSON, WILLIAM R.....	St. Louis, Mo.
DONALDSON, WILLIAM R., JR.....	St. Louis, Mo.
DONALSON, JOHN E.....	Bainbridge, Ga.
DONNELLY, EDWARD A.....	Baltimore, Md.
DONNELLY, HENRY D.....	New York, N. Y.
DONWORTH, CLEMENT B.....	Machias, Me.
DONWORTH, GEORGE .....	Seattle, Wash.
DOOLAN, JOHN C.....	Louisville, Ky.
DOOLEY, P. C.....	Little Rock, Ark.
DOOLITTLE, H. P.....	Washington, D. C.
DORR, CHARLES W. (San Francisco, Cal.)....	Bellingham, Wash.
DORSEY, CLAYTON C.....	Denver, Col.
DOS PASSOS, JOHN R.....	New York, N. Y.
DOSTER, FRANK .....	Topeka, Kan.
DOUB, ALBERT A.....	Cumberland, Md.
DOUGHERTY, J. HAMPDEN.....	New York, N. Y.
DOUGLAS, EDWARD W.....	Troy, N. Y.
DOUGLAS, MARION .....	Duluth, Minn.
DOUGLAS, ROBERT M.....	Greensboro, N. C.
DOUGLAS, SAMUEL T.....	Detroit, Mich.
DOUGLAS, WALTER B.....	St. Louis, Mo.
DOUGLASS, GEORGE L.....	Chicago, Ill.
DOVELL, W. T.....	Seattle, Wash.
DOWD, WILLIS BRUCE.....	New York, N. Y.
DOWELL, ARTHUR E.....	Washington, D. C.
DOWELL, JULIAN C.....	Washington, D. C.
DOWNER, SYLVESTER S.....	Reno, Nev.
DOYLE, JOHN H.....	Toledo, Ohio.
DOYLE, LOUIS F.....	New York, N. Y.
DRIGGS, FREDERICK E.....	Detroit, Mich.
DRUMMOND, JOSIAH H.....	Portland, Me.
DRYDEN, JOHN N.....	Kearney, Neb.
DUANE, RUSSELL .....	Philadelphia, Pa.
DUBBS, HENRY A.....	Pueblo, Col.
DUBIGNON, FLEMING G.....	Atlanta, Ga.
DUBOSE, JOHN EDWIN.....	Bowling Green, Ky.
DUBUISSON, E. B.....	Opelousas, La.
DUCHAMP, CHARLES A.....	New Orleans, La.
DUDLEY, CHARLES A.....	Des Moines, Iowa.
DUDLEY, FREDERICK M.....	Spokane, Wash.
DUELL, CHARLES H.....	New York, N. Y.
DUFFIELD, EDWARD D.....	Newark, N. J.
DUFFIELD, HENRY M.....	Detroit, Mich.
DUFOUR, H. GENERES.....	New Orleans, La.

DUFOUR, HORACE L.....	New Orleans, La.
DUFOUR, WILLIAM C.....	New Orleans, La.
DUGAN, JOHN H.....	Albany, N. Y.
DUGAN, PATRICK C.....	Albany, N. Y.
DUMONT, WAYNE (New York, N. Y.).....	Paterson, N. J.
DUMPHY, W. H.....	Walla Walla, Wash.
DUNDEY, CHARLES L.....	Omaha, Neb.
DUNIWAY, RALPH R.....	Portland, Ore.
DUNKLEE, GEORGE F.....	Denver, Col.
DUNLAP, ROBERT .....	Chicago, Ill.
DUNLOP, G. THOMAS.....	Washington, D. C.
DUNN, C. C.....	Meridian, Miss.
DUNN, MICHAEL .....	Paterson, N. J.
DUNNE, PETER F.....	San Francisco, Cal.
DUNSCOMB, SAMUEL WHITNEY, JR.....	New York, N. Y.
DUNTON, ROBERT F.....	Belfast, Me.
DURAND, LORENZO T.....	Saginaw, E. S., Mich.
DURBAN, FRANK A.....	Zanesville, Ohio.
DU RELLE, GEORGE.....	Louisville, Ky.
DURMENT, EDMUND S.....	St. Paul, Minn.
DUTTON, JOHN A.....	New York, N. Y.
DUXBURY, W. R.....	St. Paul, Minn.
DWINNELL, W. S.....	Minneapolis, Minn.
DYE, JOHN T.....	Indianapolis, Ind.
DYER, DAVID P.....	St. Louis, Mo.
DYER, ISAAC W.....	Portland, Me.
DYER, JOHN L.....	El Paso, Tex.
DYRENFORTH, DOUGLAS .....	Chicago, Ill.
DYRENFORTH, PHILIP C.....	Chicago, Ill.
DYRENFORTH, WILLIAM H.....	Chicago, Ill.
EAKIN, ROBERT .....	Salem, Ore.
EARL, OTIS A.....	Kalamazoo, Mich.
EARLE, HENRY M.....	New York, N. Y.
EARLY, MARION C.....	St. Louis, Mo.
EARNEST, JOHN PAUL.....	Washington, D. C.
EASTERDAY, J. H.....	Tacoma, Wash.
EASTMAN, ALBERT N.....	Chicago, Ill.
EASTMAN, CHASE .....	Portland, Me.
EASTMAN, SAMUEL C.....	Concord, N. H.
EASTMAN, SIDNEY C.....	Chicago, Ill.
EASTON, CHARLES PHILIP.....	New York, N. Y.
EASTON, ROBERT T. B.....	New York, N. Y.
EATON, AMASA M.....	Providence, R. I.
EATON, HARVEY DOANE.....	Waterville, Me.
EATON, WILLARD L.....	Osage, Iowa.

EATON, WILLIAM D.....	New York, N. Y.
EBERHARDT, MAX .....	Chicago, Ill.
ECKHARDT, PERCY B.....	Chicago, Ill.
ECKSTEIN, JOSEPH A.....	New Ulm, Minn.
EDDY, CHARLES B.....	New York, N. Y.
EDGAR, MAXWELL .....	Chicago, Ill.
EDGE, LESTER P.....	Spokane, Wash.
EDGERTON, JOHN W.....	New Haven, Conn.
EDMONDS, SAMUEL O.....	New York, N. Y.
EDMONSTON, WILLIAM E.....	Washington, D. C.
EDSON, JOSEPH R.....	Washington, D. C.
EDWARDS, B. P.....	Arcadia, La.
EDWARDS, MARION .....	Seattle, Wash.
EDWARDS, PEYTON F.....	El Paso, Tex.
EDWARDS, SEEGER .....	Providence, R. I.
EINSTEIN, B. F.....	New York, N. Y.
ELGUTTER, CHARLES S.....	Omaha, Neb.
ELIOT, EDWARD C.....	St. Louis, Mo.
ELLIOT, FRANK S.....	Philadelphia, Pa.
ELKUS, ABRAM I.....	New York, N. Y.
ELLINWOOD, EVERETT E.....	Bisbee, Ariz.
ELLIOTT, WILLIAM F.....	Indianapolis, Ind.
ELLIS, DANIEL B.....	Denver, Col.
ELLIS, GEORGE W.....	New York, N. Y.
ELLIS, S. D.....	Amite City, La.
ELLIS, THOMAS C. W.....	New Orleans, La.
ELLISON, EDWARD D.....	Kansas City, Mo.
ELLISON, WILLIAM BRUCE.....	New York, N. Y.
ELLSWORTH, S. E.....	Jamestown, N. D.
ELSBERG, NATHANIEL A.....	New York, N. Y.
ELTING, VICTOR .....	Chicago, Ill.
ELY, JOHN J.....	Freehold, N. J.
EMERSON, GEORGE H.....	New York, N. Y.
EMERY, GEORGE L.....	Biddeford, Me.
EMERY, JOHN R.....	Morristown, N. J.
EMERY, LUCILIUS A.....	Ellsworth, Me.
EMMONS, HAROLD H.....	Detroit, Mich.
EMMONS, RALPH W.....	Seattle, Wash.
EMMONS, WILLIS T.....	Saco, Me.
ENDLICH, GUSTAV A.....	Reading, Pa.
ENGELHARD, CHARLES .....	Detroit, Mich.
ENGLEHART, IRA P.....	North Yakima, Wash.
ENGLISH, LEE F.....	Chicago, Ill.
ENSIGN, JOSIAH D.....	Duluth, Minn.
ERWIN, FRANK ALEXANDER.....	New York, N. Y.

ESKRIDGE, RICHARD STEVENS.....	Seattle, Wash.
ESLING, HENRY C.....	Philadelphia, Pa.
ESTABROOK, HENRY D.....	New York, N. Y.
ESTERLINE, BLACKBURN .....	Chicago, Ill.
ESTOPINAL, JR., A.....	St. Bernard, La.
EVANS, ARTHUR F.....	Chicago, Ill.
EVANS, CHARLES R.....	Chattanooga, Tenn.
EVANS, LYNDEN .....	Chicago, Ill.
EVANS, MARVIN .....	Walla Walla, Wash.
EVANS, ROWLAND .....	Indianapolis, Ind.
EVERETTE, WILLIS E.....	Tacoma, Wash.
EVERSON, JOHN .....	Alma, Neb.
EWEN, JOHN .....	New York, N. Y.
EWING, ARTHUR W.....	Dawson, Minn.
EWING, FRANK H.....	St. Paul, Minn.
EWING, HAMPTON D.....	New York, N. Y.
EWING, JOHN A.....	Leadville, Col.
EWING, JOHN G.....	Roselle, N. J.
EWING, NATHANIEL .....	Uniontown, Pa.
EWING, THOMAS, JR.....	New York, N. Y.
FABER, LEANDER B.....	Jamaica, N. Y.
FAIRBANKS, CHAS. W.....	Indianapolis, Ind.
FAIRCHILD, EDWIN K.....	Minneapolis, Minn.
FAIRCHILD, H. A.....	Olympia, Wash.
FAIRCHILD, H. O.....	Green Bay, Wis.
FAIRLEIGH, JAMES FRANKLIN.....	Louisville, Ky.
FALKNOB, A. J.....	Seattle, Wash.
FALL, GEORGE HOWARD .....	Malden, Mass.
FALLOWS, EDWARD H.....	New York, N. Y.
FARNHAM, CHARLES W.....	St. Paul, Minn.
FARQUHAR, GUY E.....	Pottsville, Pa.
FARR, GEORGE W.....	Miles City, Mont.
FARRAR, EDGAR H.....	New Orleans, La.
FARRELL, C. H.....	Seattle, Wash.
FAUSSETT, R. J.....	Everett, Wash.
FAY, FRANK S.....	Meriden, Conn.
FAY, THOMAS P.....	Long Branch, N. J.
FEABONS, GEORGE H.....	New York, N. Y.
FECHHEIMER, CHARLES M.....	Chickasha, Okla.
FELLOWS, GRANT .....	Hudson, Mich.
FELLOWS, OSCAR F.....	Bangor, Me.
FENNER, CHARLES E.....	New Orleans, La.
FENNER, CHARLES PAYNE.....	New Orleans, La.
FENNING, FREDERICK A.....	Washington, D. C.
FENTON, HECTOR T.....	Philadelphia, Pa.

FERRIS, AARON A.....	Cincinnati, Ohio.
FERRISS, FRANKLIN .....	St. Louis, Mo.
FERRY, PIERRE P.....	Seattle, Wash.
FESLER, JAMES WILLIAM.....	Indianapolis, Ind.
FETHERS, OGDEN H.....	Janesville, Wis.
FETTRETCH, JOSEPH .....	New York, N. Y.
FIELD, FRANK HARVEY.....	Brooklyn, N. Y.
FIELD, GEORGE W.....	Oakland, Me.
FIELD, HEMAN H.....	Seattle, Wash.
FIERO, J. NEWTON.....	Albany, N. Y.
FILES, GEORGE W.....	New York, N. Y.
FINCH, EDWARD R.....	New York, N. Y.
FINCH, WILLIAM A.....	Ithaca, N. Y.
FINDLEY, WILLIAM L.....	New York, N. Y.
FINK, CHARLES E.....	Westminster, Md.
FINNEY, A. C.....	Minneapolis, Minn.
FISH, DANIEL .....	Minneapolis, Minn.
FISH, FREDERICK P.....	Boston, Mass.
FISHER, D. D.....	St. Louis, Mo.
FISHER, GEO. P., JR.....	Chicago, Ill.
FISHER, RALPH B.....	Portland, Ore.
FISHER, ROBERT J.....	Washington, D. C.
FISHER, SAMUEL T.....	Washington, D. C.
FISHER, WILLIAM RIGHTER.....	Philadelphia, Pa.
FISK, DEWITT H.....	Bemidji, Minn.
FISSE, WILLIAM E.....	St. Louis, Mo.
FITCH, THEODORE (New York, N. Y.).....	Yonkers, N. Y.
FITZGERALD, DAVID E.....	New Haven, Conn.
FITZHUGH, G. T.....	Memphis, Tenn.
FITZHUGH, HENRY L.....	Fort Smith, Ark.
FITZPATRICK, W. S.....	Independence, Kan.
FITZSIMONS, W. HUGER .....	Charleston, S. C.
FITZWILLIAM, F. P.....	Leavenworth, Kan.
FIXMAN, EZEKIEL .....	New York, N. Y.
FLAHERTY, JAMES A.....	Philadelphia, Pa.
FLANDERS, J. C.....	Portland, Ore.
FLANDERS, JAMES G.....	Milwaukee, Wis.
FLANNERY, GEORGE P.....	Minneapolis, Minn.
FLANNERY, JOHN SPALDING.....	Washington, D. C.
FLEDT, WILLIAM H.....	Seattle, Wash.
FLEISCHMANN, SIMON .....	Buffalo, N. Y.
FLEMING, JOHN D.....	Boulder, Col.
FLETCHER, BERTRAM L.....	Bangor, Me.
FLETCHER, DUNCAN U.....	Jacksonville, Fla.
FLETCHER, JOHN .....	Little Rock, Ark.

FLEWELLING, ALBERT L.....	Spokane, Wash.
FLEXNER, BERNARD .....	Louisville, Ky.
FLICKINGER, ISAAC N.....	Council Bluffs, Iowa.
FLOOD, H. D.....	Appomattox, Va.
FLORENCE, ERNEST T.....	New Orleans, La.
FLYNN, DENNIS T.....	Oklahoma City, Okla.
FLYNN, LEO J.....	Dubuque, Iowa.
FOLLANSBEE, GEORGE A.....	Chicago, Ill.
FOLLETT, ALFRED DEWEY.....	Marietta, Ohio.
FOLLETT, MARTIN DEWEY .....	Marietta, Ohio.
FOLSOM, MYRON A.....	Spokane, Wash.
FORCE, H. C.....	Seattle, Wash.
FORDHAM, HERBERT L.....	New York, N. Y.
FORDYCE, SAMUEL W., JR.....	St. Louis, Mo.
FORMAN, BENJAMIN RICE.....	New Orleans, La.
FORMAN, W. S.....	East St. Louis, Ill.
FORT, J. FRANKLIN.....	East Orange, N. J.
FOSNES, C. A.....	Montevideo, Minn.
FOSTER, ALFRED D.....	Boston, Mass.
FOSTER, CHARLES E.....	Washington, D. C.
FOSTER, H. E.....	Seattle, Wash.
FOSTER, REGINALD .....	Boston, Mass.
FOSTER, ROBERT M.....	St. Louis, Mo.
FOSTER, ROGER .....	New York, N. Y.
FOSTER, RUFUS E.....	New Orleans, La.
FOULKE, WILLIAM .....	St. Paul, Minn.
FOWLER, A. C.....	St. Louis, Mo.
FOWLER, CHARLES R.....	Minneapolis, Minn.
FOX, AUSTEN G.....	New York, N. Y.
FOX, EDWARD J.....	Easton, Pa.
FOX, JAMES C.....	Portland, Me.
FRALEY, JOSEPH C.....	Philadelphia, Pa.
FRANK, ADAM .....	New York, N. Y.
FRANKEL, L. R.....	St. Paul, Minn.
FRANKLIN, RUFORD .....	New York, N. Y.
FRANTZEN, JOHN P.....	Dubuque, Iowa.
FRASER, DANIEL .....	Fowler, Ind.
FRASER, GEORGE C.....	New York, N. Y.
FRATER, A. W.....	Seattle, Wash.
FRAWLEY, WILLIAM H.....	Eau Claire, Wis.
FRAZIER, ROBERT T.....	Washington, D. C.
FREDERICKS, JOHN T.....	Williamsport, Pa.
FREEDMAN, JOHN J.....	New York, N. Y.
FREEMAN, ALFRED A.....	Carlsbad, N. M.
FREEMAN, EBEN WINTHROP.....	Portland, Me.

FREIBERG, A. JULIUS.....	Cincinnati, Ohio.
FRENCH, ARTHUR P.....	Boston, Mass.
FRENCH, ASA P.....	Boston, Mass.
FRENCH, LAFAYETTE .....	Austin, Minn.
FRENCH, THOMAS E.....	Camden, N. J.
FRENCH, WILLIAM B.....	Boston, Mass.
FREUND, ERNST .....	Chicago, Ill.
FREY, PHILIP W.....	Evansville, Ind.
FRIEDMAN, LEE M.....	Boston, Mass.
FROST, E. ALLEN.....	Chicago, Ill.
FROST, EDWARD W.....	Milwaukee, Wis.
FRYBERGER, H. B.....	Duluth, Minn.
FRYBERGER, HARRISON E.....	Minneapolis, Minn.
FRYE, HERMON S.....	Seattle, Wash.
FULLER, CLIFFORD W.....	Cleveland, Ohio.
FULLER, E. DEAN (Mexico City, Mexico)....	Des Moines, Iowa.
FULLER, GEORGE .....	Los Angeles, Cal.
FULLER, JAY .....	Detroit, Mich.
FULLER, PAUL .....	New York, N. Y.
FULLER, WILLIAMSON W.....	New York, N. Y.
FULLERTON, WM. D.....	Ottawa, Ill.
FULTON, WALTER S.....	Seattle, Wash.
FUNKHOUSER, ARTHUR F.....	Evansville, Ind.
FURNESS, WILLIAM ELIOT.....	Chicago, Ill.
FURST, WILLIAM .....	Minneapolis, Minn.
FUTRELL, WILLIAM H.....	Philadelphia, Pa.
GABBERT, WILLIAM H.....	Denver, Col.
GABRIEL, JOHN H.....	Denver, Col.
GADE, FREDERICK H.....	Chicago, Ill.
GAGE, ALEXANDER K.....	Detroit, Mich.
GAGER, EDWIN B.....	Derby, Conn.
GAILLARD, WM. D.....	New York, N. Y.
GAINES, R. R.....	Austin, Tex.
GAITSKILL, BENNETT S.....	Girard, Kan.
GALE, EDWARD C.....	Minneapolis, Minn.
GALE, NOEL .....	New York, N. Y.
GALLAGHER, CHARLES T.....	Boston, Mass.
GALLAGHER, THOMAS F.....	Fitchburg, Mass.
GALLERT, DAVID J.....	New York, N. Y.
GALSTON, CLARENCE G.....	New York, N. Y.
GANDY, NEWTON S.....	Colorado Springs, Col.
GANS, EDGAR H.....	Baltimore, Md.
GANS, HOWARD S.....	New York, N. Y.
GANTENBEIN, CALVIN U.....	Portland, Ore.
GANTT, JAMES B.....	Jefferson City, Mo.

GARDNER, C. P.....	Chicago, Ill.
GARDNER, JOHN M.....	New York, N. Y.
GARDNER, RATHBONE .....	Providence, R. I.
GARFIELD, HARRY A.....	Williamstown, Mass
GARFIELD, JAMES R.....	Cleveland, Ohio.
GARLAND, HUGH A.....	Seattle, Wash.
GARNETT, THEODORE S.....	Norfolk, Va.
GARRECHT, F. A.....	Walla Walla, Wash.
GARTSIDE, JOHN M.....	Chicago, Ill.
GARVER, JOHN A.....	New York, N. Y.
GARVIN, WILLIAM EVERETT.....	St. Louis, Mo.
GASTON, O. C.....	Everett, Wash.
GATES, EDWARD P.....	Independence, Mo.
GATES, JOHN C.....	Princeton, Ky.
GATES, THOMAS S.....	Philadelphia, Pa.
GAY, WILSON R.....	Seattle, Wash.
GEARIN, JOHN M.....	Portland, Ore.
GEDDES, FREDERICK L.....	Toledo, Ohio.
GEISLER, T. J.....	Portland, Ore.
GEISTHARDT, STEPHEN L.....	Lincoln, Neb.
GELLER, FREDERICK .....	New York, N. Y.
GENTRY, NORTH T.....	Columbia, Mo.
GEORGE, JAMES A.....	Deadwood, S. D.
GEPHART, JAMES M.....	Seattle, Wash.
GERARD, JAMES W.....	New York, N. Y.
GERMO, THOMAS .....	Red Lake Falls, Minn
GERRY, ELBRIDGE T.....	Newport, R. I.
GEST, JOHN MARSHALL.....	Philadelphia, Pa.
GEYELIN, HENRY LAUSSAT.....	Philadelphia, Pa.
GIBBONS, CROMWELL .....	Jacksonville, Fla.
GIBBONS, JOHN .....	Chicago, Ill.
GIBBS, CLINTON B.....	Buffalo, N. Y.
GIBSON, GEORGE J.....	Salt Lake City, Utah.
GIBSON, JAMES A.....	Los Angeles, Cal.
GIDDINGS, CHARLES .....	Great Barrington, Mass
GIFFORD, JAMES M.....	New York, N. Y.
GIFFORD, LIVINGSTON .....	New York, N. Y.
GIGHT, JOHN H.....	South Norwalk, Conn.
GIGNILLIAT, WILLIAM L.....	Savannah, Ga.
GILBERT, FRANK B.....	Albany, N. Y.
GILBERT, GEORGE G.....	Selbyville, Ky.
GILBERT, LYMAN D.....	Harrisburg, Pa.
GILBERT, W. B.....	Portland, Ore.
GILBERT, W. S.....	Spokane, Wash.
GILL, H. C.....	Seattle, Wash.



GILL, JOHN, JR.....	Baltimore, Md.
GILLEN, P. H.....	Bangor, Me.
GILLEN, WILLIAM W.....	Jamaica, N. Y.
GILLESPIE, J. HAMILTON.....	Sarasota, Fla.
GILLIAM, MARSHALL M.....	Richmond, Va.
GILMAN, L. C.....	Seattle, Wash.
GILMORE, EUGENE ALLEN.....	Madison, Wis.
GILMORE, SAMUEL L.....	New Orleans, La.
GILPIN, C. MONTEITH.....	New York, N. Y.
GILSON, NORMAN S.....	Fond du Lac, Wis.
GIVEN, WILLIAM B.....	Chicago, Ill.
GJERTSON, HENRY J.....	Minneapolis, Minn.
GLASGOW, WILLIAM A., JR.....	Philadelphia, Pa.
GLASS, HIRAM .....	Texarkana, Tex.
GLEASON, CHARLES S.....	Seattle, Wash.
GLEASON, ELWIN H.....	Rumford Falls, Me.
GLEASON, JAMES .....	Portland, Ore.
GLEASON, JOHN H.....	Albany, N. Y.
GLEASON, W. L.....	New Orleans, La.
GLEED, JAMES WILLIS.....	Topeka, Kan.
GLEN, JAMES F.....	Tampa, Fla.
GLENN, GERRARD .....	New York, N. Y.
GLYNN, MARTIN H.....	Albany, N. Y.
GODBEY, E. W.....	Decatur, Ala.
GODCHAUX, EMILE .....	New Orleans, La.
GODDARD, LUTHER M.....	Denver, Col.
GODDARD, O. FLETCHER.....	Billings, Mont.
GODMAN, M. M.....	Seattle, Wash.
GOLDBERG, WILLIAM V.....	New York, N. Y.
GOLDMAN, SAMUEL P.....	New York, N. Y.
GOLDSBOROUGH, T. ALAN.....	Denton, Md.
GOODELL, EDWIN B.....	Montclair, N. J.
GOODELLE, WILLIAM P.....	Syracuse, N. Y.
GOODNER, IVAN W.....	Seattle, Wash.
GOODWIN, FORREST .....	Skowhegan, Me.
GOODWIN, GEORGE A.....	Springvale, Me.
GOODWIN, GEORGE B.....	Biddeford, Me.
GOODYKOONTZ, WELLS .....	Williamson, W. Va.
GORDON, GORDON .....	New York, N. Y.
GORDON, M. J.....	Spokane, Wash.
GORDON, MAURICE KIRBY.....	Madisonville, Ky.
GORDON, WILLIAM W., JR.....	Savannah, Ga.
GORHAM, WILLIAM H.....	Seattle, Wash.
GOSE, C. C.....	Walla Walla, Wash.
GOSE, M. F.....	Pomeroy, Wash.

GOSE, T. P.....	Walla Walla, Wash.
GOTENS, W. U.....	Salem, Ore.
GOULD, JOHN H.....	Delphi, Ind.
GOULDER, HARVEY D.....	Cleveland, Ohio.
GOVE, FRANK E.....	Denver, Col.
GRACE, H. H.....	Superior, Wis.
GRAFF, M. L.....	Los Angeles, Cal.
GRAHAM, GEORGE S.....	Philadelphia, Pa.
GRAM, JESSE P.....	New York, N. Y.
GRANGER, H. T.....	Seattle, Wash.
GRANGER, MOSES M.....	Zanesville, Ohio.
GRANT, ALEXANDER .....	Newark, N. J.
GRANT, FRANK S.....	Portland, Ore.
GRANT, LEE W.....	St. Louis, Mo.
GRANT, RICHARD F.....	Cleveland, Ohio.
GRAVES, CHARLES A.....	Univ. of Va., Va.
GRAVES, F. H.....	Spokane, Wash.
GRAVES, HENRY B.....	Detroit, Mich.
GRAVES, WILL G.....	Spokane, Wash.
GRAY, GEORGE .....	Wilmington, Del.
GRAY, J. CONVERSE.....	Boston, Mass.
GRAY, JAMES A.....	Little Rock, Ark.
GRAY, JAMES C.....	Pittsburgh, Pa.
GRAY, JOHN C.....	Boston, Mass.
GRAY, ROSCOE SPAULDING.....	Oakland, Cal.
GRAY, WILLIAM J.....	Detroit, Mich.
GREAVES, H. B.....	Canton, Miss.
GREELEY, ARTHUR P.....	Washington, D. C.
GREELEY, LOUIS M.....	Chicago, Ill.
GREELEY, WILLIAM B.....	New York, N. Y.
GREEN, FREDERICK .....	Urbana, Ill.
GREEN, J. W.....	Lawrence, Kan.
GREENACRE, ISAIAH T.....	Chicago, Ill.
GREENE, CHARLES J.....	Omaha, Neb.
GREENE, FREDERICK L.....	Greenfield, Mass.
GREENE, GEORGE G.....	Green Bay, Wis.
GREENE, ROBERT J.....	Lincoln, Neb.
GREENE, ROGER S.....	Seattle, Wash.
GREENE, THOMAS G.....	Portland, Ore.
GREENMAN, F. W.....	Austin, Minn.
GREENOUGH, WILLIAM B.....	Providence, R. I.
GREENSFELDER, BERNARD .....	St. Louis, Mo.
GREGG, FRANK E.....	Denver, Col.
GREGG, MAURICE .....	Baltimore, Md.
GREGORY, CHARLES NOBLE.....	Iowa City, Iowa.

GREGORY, GEORGE C.....	Richmond, Va.
GREGORY, HENRY E.....	New York, N. Y.
GREGORY, ROGER .....	Elsing Green, Va.
GREGORY, STEPHEN S.....	Chicago, Ill.
GRESHAM, OTTO .....	Chicago, Ill.
GREVE, CHARLES THEODORE.....	Cincinnati, Ohio.
GRIDLEY, MARTIN M.....	Chicago, Ill.
GRIFFIN, S .....	Bedford City, Va.
GRIFFITH, WARREN G.....	Philadelphia, Pa.
GRIGGS, HERBERT S.....	Tacoma, Wash.
GRIGGS, JOHN W. (New York, N. Y.).....	Paterson, N. J.
GRINNAN, DANIEL .....	Richmond, Va.
GRINNELL, CHARLES E.....	Boston, Mass.
GRINNELL, FRANK W.....	Boston, Mass.
GRISWOLD, NORRIS O.....	Greenville, Mich.
GROSSCUP, BENJAMIN S.....	Tacoma, Wash.
GROSSCUP, PETER S.....	Chicago, Ill.
GROSSMAN, EMANUEL M.....	St. Louis, Mo.
GROZIER, JOSHUA .....	Denver, Col.
GRUBBS, CHARLES S.....	Louisville, Ky.
GUERNSEY, NATHANIEL T.....	Des Moines, Iowa.
GUERRIER, S. ....	McAlester, Okla.
GUIE, E. H.....	Seattle, Wash.
GULLIVER, WILLIAM H.....	Portland, Me.
GUNTER, JULIUS C.....	Denver, Col.
GURLEY, WILLIAM F.....	Omaha, Neb.
GUTHRIE, GEORGE W.....	Pittsburgh, Pa.
GUTHRIE, WILLIAM D.....	New York, N. Y.
HADDEN, ALEXANDER .....	Cleveland, Ohio.
HADLEY, A. M.....	Bellingham, Wash.
HADLEY, EMERSON .....	St. Paul, Minn.
HADLEY, HERBERT S.....	Jefferson City, Mo.
HADLEY, HIRAM E.....	Bellingham, Wash.
HADLEY, LIN H.....	Bellingham, Wash.
HAFF, DELBERT J.....	Kansas City, Mo.
HAGA, OLIVER O.....	Boise, Ida.
HAGAN, A. C.....	Uniontown, Pa.
HAGAN, HENRY M.....	Chicago, Ill.
HAGAR, ALBERT FRANCIS.....	New York, N. Y.
HAGERMAN, FRANK .....	Kansas City, Mo.
HAGERMAN, JAMES .....	St. Louis, Mo.
HAGERMAN, JAMES, JR.....	St. Louis, Mo.
HAGERMAN, LEE W.....	St. Louis, Mo.
HAGGOTT, W. A.....	Idaho Springs, Col.
HAGNER, ALEXANDER B.....	Washington, D. C.

HAGOOD, BENJAMIN A.....	Charleston, S. C.
HAIGHT, J. A.....	Seattle, Wash.
HAINER, EUGENE J.....	Lincoln, Neb.
HALBERT, CLARENCE W.....	St. Paul, Minn.
HALBERT, HUGH T.....	St. Paul, Minn.
HALE, CLARENCE .....	Portland, Me.
HALE, FREDERICK .....	Portland, Me.
HALE, RICHARD W.....	Boston, Mass.
HALE, WILLIAM E.....	Minneapolis, Minn.
HALEY, GEORGE F.....	Biddeford, Me.
HALL, ALBERT H.....	Minneapolis, Minn.
HALL, ALLEN G.....	Nashville, Tenn.
HALL, CALVIN S.....	Seattle, Wash.
HALL, FRANK M.....	Lincoln, Neb.
HALL, HARRY H.....	New Orleans, La.
HALL, HENRY C.....	Colorado Springs, Col.
HALL, JAMES PARKER.....	Chicago, Ill.
HALL, MATTHEW A.....	Omaha, Neb.
HALL, WILLIAM M.....	Pittsburgh, Pa.
HALLAM, OSCAR .....	St. Paul, Minn.
HALLETT, MOSES .....	Denver, Col.
HALVERSTADT, D. V.....	Seattle, Wash.
HAMBLÉN, L. R.....	Spokane, Wash.
HAMBLÉN, LYNNE AYRES.....	Ridgway, Pa.
HAMILTON, ALEXANDER .....	Petersburg, Va.
HAMILTON, GEORGE EARNEST.....	Washington, D. C.
HAMLIN, CHARLES .....	Bangor, Me.
HAMLIN, CHARLES S.....	Boston, Mass.
HAMLIN, CLARENCE C.....	Colorado Springs, Col.
HAMLIN, FRANK .....	Chicago, Ill.
HAMLIN, HANNIBAL E.....	Ellsworth, Me.
HAMMOND, EDWIN P.....	Lafayette, Ind.
HAMMOND, JOHN C.....	Northampton, Mass.
HAMMOND, THEODORE A.....	Atlanta, Ga.
HAMMOND, WILLIAM R.....	Atlanta, Ga.
HANAN, JOHN W.....	La Grange, Ind.
HANCHETT, BENTON .....	Saginaw, Mich.
HAND, RICHARD L.....	Elizabethtown, N. Y.
HANFORD, CORNELIUS H.....	Seattle, Wash.
HANFORD, SOLOMON .....	New York, N. Y.
HANLEY, MARTIN FRANKLIN.....	Minneapolis, Minn.
HANNIGAN, JOHN E.....	Boston, Mass.
HANSMANN, CARL A.....	New York, N. Y.
HANSON, GEORGE M.....	Calais, Me.
HAPPY, CYRUS .....	Spokane, Wash.

HARDCASTLE, THOMAS H.....	Denver, Col.
HARDIN, JOHN R.....	Newark, N. J.
HARDING, CHARLES F.....	Chicago, Ill.
HARE, MONTGOMERY .....	New York, N. Y.
HARGEST, WILLIAM M.....	Harrisburg, Pa.
HARKER, OLIVER A.....	Champaign, Ill.
HARKLESS, JAMES H.....	Kansas City, Mo.
HARLAN, HENRY D.....	Baltimore, Md.
HARLEY, CHARLES F.....	Baltimore, Md.
HARMON, HENRY A.....	Detroit, Mich.
HARMON, JUDSON .....	Cincinnati, Ohio.
HARPER, JACOB CHANDLER.....	Cincinnati, Ohio.
HARRIES, W. H. (St. Paul, Minn.) .....	Caledonia, Minn.
HARRIMAN, EDWARD AVERY.....	New Haven, Conn.
HARRIS, A. G.....	Dixon, Ill.
HARRIS, ALBERT H.....	New York, N. Y.
HARRIS, HAROLD .....	St. Paul, Minn.
HARRIS, L. C.....	Duluth, Minn.
HARRIS, S. H.....	Oklahoma City, Okla.
HARRIS, W. O.....	Louisville, Ky.
HARRISON, GEORGE P.....	Opelika, Ala.
HARRISON, RANDOLPH .....	Lynchburg, Va.
HARRISON, WILLIAM B.....	Denver, Col.
HARRITY, WILLIAM F.....	Philadelphia, Pa.
HAET, W. O.....	New Orleans, La.
HARTIGAN, MICHAEL A.....	Hastings, Neb.
HARTMAN, C. S.....	Bozeman, Mont.
HARTMAN, JOHN P.....	Seattle, Wash.
HARTMAN, WILLIAM L.....	Pueblo, Col.
HARTMAN, W. S.....	Bozeman, Mont.
HARTRIDGE, CLIFFORD W.....	New York, N. Y.
HARTRIDGE, JOHN E.....	Jacksonville, Fla.
HARTSHORNE, CHARLES H.....	Jersey City, N. J.
HARVISON, WILLIAM G.....	Des Moines, Iowa.
HARWARD, FREDERICK T.....	Detroit, Mich.
HARWICK, WILLIAM H.....	Jacksonville, Fla.
HARWOOD, EDGAR N.....	Butte, Mont.
HARWOOD, THOMAS E.....	Trenton, Tenn.
HASKELL, FRANK H.....	Portland, Me.
HASTINGS, H. H. A.....	Seattle, Wash.
HASTINGS, HENRY H.....	Bethel, Me.
HASTINGS, W. G.....	Lincoln, Neb.
HATCH, EDWARD W.....	New York, N. Y.
HATCH, HARVEY B.....	Marquette, Mich.
HATCH, WILLIAM B.....	Ypsilanti, Mich.

HATT, SAMUEL S.....	Albany, N. Y.
HATTON, GOODRICH .....	Portsmouth, Va.
HAUPT, CHARLES C.....	St. Paul, Minn.
HAWES, GILBERT RAY.....	New York, N. Y.
HAWKES, S. N.....	Stockton, Kan.
HAWKINS, JOHN J.....	Prescott, Ariz.
HAWKINS, PRINCE A.....	Boulder, Col.
HAWKINS, ROSCOE O.....	Indianapolis, Ind.
HAWLEY, JAMES H.....	Boise, Ida.
HAWLEY, JESS B.....	Boise City, Idaho.
HAWTHORNE, JOSEPH M.....	Seattle, Wash.
HAY, EUGENE G. (New York, N. Y.) .....	Minneapolis, Minn.
HAYDEN, ASA K.....	Cassopolis, Mich.
HAYDEN, JAMES H.....	Washington, D. C.
HAYES, ALFRED, JR.....	Ithaca, N. Y.
HAYES, THOMAS G.....	Baltimore, Md.
HAYMOND, WILLIAM T.....	Muncie, Ind.
HAYNES, H. N.....	Greeley, Col.
HAYS, SAMUEL H.....	Boise, Ida.
HAYT, CHARLES D.....	Denver, Col.
HAYTER, OSCAR .....	Dallas, Ore.
HAYWARD, HARRY WOODFORD.....	New York, N. Y.
HAYWOOD, GEORGE P.....	Lafayette, Ind.
HAZZARD, VERNON .....	Monongahela, Pa.
HEALEY, ROBERT E.....	Plattsburgh, N. Y.
HEALY, JOHN J.....	Chicago, Ill.
HEATH, HERBERT M.....	Augusta, Me.
HEATH, JAMES ELLIOTT.....	Norfolk, Va.
HEATH, SIDNEY MOORE.....	Hoquiam, Wash.
HEATON, OSCAR G.....	Seattle, Wash.
HEATON, OWEN N.....	Fort Wayne, Ind.
HEBARD, FREDERIC S.....	Chicago, Ill.
HEDGES, JOB E.....	New York, N. Y.
HEFFERNAN, JOHN J.....	Woonsocket, R. I.
HELM, JAMES P.....	Louisville, Ky.
HELM, LYNN .....	Los Angeles, Cal.
HEMENWAY, ALFRED .....	Boston, Mass.
HEMMENS, HENRY J.....	New York, N. Y.
HEMPHILL, JOSEPH .....	West Chester, Pa.
HENDERSON, G. MC.....	Rutledge, Tenn.
HENDERSON, JOHN LELAND.....	Hood River, Ore.
HENDERSON, JOHN M.....	Cleveland, Ohio.
HENDERSON, ROBERT R.....	Cumberland, Md.
HENDRY, JNO. BURKE (London, Eng.) .....	Boston, Mass.
HENING, CRAWFORD D.....	Philadelphia, Pa.

HENRY, GEORGE F.....	Des Moines, Iowa.
HENRY, RICHARD M.....	New York, N. Y.
HENSEL, W. U.....	Lancaster, Pa.
HEPBURN, CHARLES M. (New York, N. Y.)...	Bloomington, Ind.
HERBERT, R. BEVERLY.....	Columbia, S. C.
HERENDEEN, EDWARD G.....	Elmira, N. Y.
HERMAN, SAMUEL A.....	Winsted, Conn.
HEROLD, S. L.....	Shreveport, La.
HERR, WILLIS B.....	Seattle, Wash.
HERRICK, JOHN J.....	Chicago, Ill.
HERRIN, WILLIAM J.....	San Francisco, Cal.
HERRINGTON, CASS E.....	Denver, Col.
HERRINGTON, FRED. ....	Denver, Col.
HERSEY, HENRY J.....	Denver, Col.
HERZ, PHILIP .....	Portland, Ore.
HESELTON, GEORGE W.....	Gardiner, Me.
HESSBERG, ALBERT .....	Albany, N. Y.
HEUISLER, CHARLES W.....	Baltimore, Md.
HEWEY, JAMES E. (Portland, Me.).....	Alfred, Me.
HEWITT, LUTHER E.....	Philadelphia, Pa.
HEYBURN, WELDON B. (Washington, D. C.)..	Wallace, Idaho.
HICKS, JOHN T.....	Little Rock, Ark.
HIEATT, CLARENCE C.....	Louisville, Ky.
HIESTER, ISAAC .....	Reading, Pa.
HIGDON, JOHN C.....	St. Louis, Mo.
HIGGINBOTHAM, C. C.....	Buckhannon, W. Va.
HIGGINS, ANTHONY .....	Wilmington, Del.
HIGGINS, FRANK M.....	Limerick, Me.
HIGGINS, JAMES H.....	Providence, R. I.
HIGGINS, JOHN C.....	Seattle, Wash.
HIGGINS, WILLIAM E.....	Lawrence, Kan.
HILL, ARTHUR DEHON.....	Boston, Mass.
HILL, HENRY C.....	Columbia, Mo.
HILL, HENRY W.....	Buffalo, N. Y.
HILL, JOHN W.....	Chicago, Ill.
HILL, JOSEPH M.....	Fort Smith, Ark.
HILL, LYSANDER .....	Chicago, Ill.
HILL, SAMUEL .....	Seattle, Wash.
HILLES, WILLIAM S.....	Wilmington, Del.
HINCKLEY, FRANK L.....	Providence, R. I.
HINCKLEY, FREDERICK W.....	Portland, Me.
HINDMAN, W. W.....	Spokane, Wash.
HINES, CLARK B.....	Bellville, Ohio.
HINES, EDWARD W.....	Louisville, Ky.
HINKLEY, JOHN .....	Baltimore, Md.

HINTON, EDWARD W.....	Columbia, Mo.
HIRSCHBERG, HENRY .....	New York, N. Y.
HIRSH, J.....	Vicksburg, Miss.
HISE, GEORGE E.....	Des Moines, Iowa.
HISKY, THOMAS FOLEY.....	Baltimore, Md.
HISTED, CLIFFORD .....	Kansas City, Mo.
HITCHCOCK, GEORGE C.....	St. Louis, Mo.
HODLY, GEORGE .....	Cincinnati, Ohio.
HOBBS, FRED A.....	South Berwick, Me.
HOCKER, LOU O.....	St. Louis, Mo.
HODGDON, C. W.....	Hoquiam, Wash.
HODGE, J. ASPINWALL.....	New York, N. Y.
HODGES, GEORGE L.....	Denver, Col.
HODGES, WILLIAM C.....	Tallahassee, Fla.
HODGES, WILLIAM V.....	Denver, Col.
HOFFHEIMER, HARRY M.....	Cincinnati, Ohio.
HOGAN, JOHN C.....	Aberdeen, Wash.
HOGAN, JOHN W.....	Providence, R. I.
HOGATE, ENOCH G.....	Bloomington, Ind.
HOGG, CHARLES E.....	Morgantown, W. Va.
HOGSETT, THOMAS H.....	Cleveland, Ohio.
HOLCOMB, ALFRED E.....	New York, N. Y.
HOLDOM, JESSE .....	Chicago, Ill.
HOLLIS, ALLEN .....	Concord, N. H.
HOLLISTER, THOMAS .....	Cincinnati, Ohio.
HOLLOWAY, WILLIAM L.....	Helena, Mont.
HOLMAN, C. VEY (Boston, Mass.).....	Bangor, Me.
HOLMAN, FREDERICK V.....	Portland, Ore.
HOLMAN, GEORGE WILSON.....	Rochester, Ind.
HOLMAN, W. A.....	Charleston, S. C.
HOLSMAN, HENRY B.....	Guthrie Center, Iowa.
HOLT, ANDREW .....	Minneapolis, Minn.
HOLT, WILLIAM G.....	Kansas City, Kan.
HOLWAY, MELVIN SMITH.....	Augusta, Me.
HOMES, HENRY F.....	New York, N. Y.
HOOD, THOMAS H.....	Denver, Col.
HOPKINS, ARTHUR E.....	Louisville, Ky.
HOPKINS, JAMES L.....	St. Louis, Mo.
HOPKINS, MURAT W.....	Indianapolis, Ind.
HOPWOOD, R. F.....	Uniontown, Pa.
HORAN, J. E.....	Everett, Wash.
HORNBLOWER, WILLIAM B.....	New York, N. Y.
HORNOR, GUY M.....	New Orleans, La.
HORTH, RALPH R.....	Grand Island, Neb.
HOTCHKISS, WILLIAM HORACE.....	Buffalo, N. Y.



HOUGH, WARWICK M.....	St. Louis, Mo.
HOUSEL, LORENZO W.....	Humboldt, Iowa.
HOUSTON, DAVID W.....	Aberdeen, Miss.
HOUTS, CHARLES A.....	St. Louis, Mo.
HOW, JARED .....	St. Paul, Minn.
HOWARD, CHARLES MORRIS.....	Baltimore, Md.
HOWARD, GEORGE H.....	Washington, D. C.
HOWARD, CLINTON W.....	Bellingham, Wash.
HOWE, ELMER P.....	Boston, Mass.
HOWE, JAMES B.....	Seattle, Wash.
HOWLAND, PAUL .....	Cleveland, Ohio.
HOWRY, CHARLES B. (Washington, D. C.)....	Oxford, Miss.
HOWSON, CHARLES .....	Philadelphia, Pa.
HOYT, HENRY M. (Washington, D. C.).....	Philadelphia, Pa.
HOYT, JAMES H.....	Cleveland, Ohio.
HOYT, JOHN P.....	Seattle, Wash.
HOYT, LUCIUS W.....	Denver, Col.
HUBBARD, H. FRANK.....	Wenatchee, Wash.
HUBBARD, HARRY .....	New York, N. Y.
HUBBARD, THOMAS H.....	New York, N. Y.
HUBBARD, WILLIAM P.....	Wheeling, W. Va.
HUDDY, GEORGE H., JR.....	Providence, R. I.
HUDSON, B. F.....	Atchison, Kan.
HUDSON, E. M.....	New Orleans, La.
HUDSON, JAMES A.....	New York, N. Y.
HUDSON, ROBERT G.....	Tacoma, Wash.
HUDSON, T. T.....	Duluth, Minn.
HUGHES, ALLEN .....	Memphis, Tenn.
HUGHES, CHARLES E. (Albany, N. Y.).....	New York, N. Y.
HUGHES, CHARLES J., JR.....	Denver, Col.
HUGHES, D. H.....	Paducah, Ky.
HUGHES, E. C.....	Seattle, Wash.
HUGHES, ROBERT M.....	Norfolk, Va.
HUGHES, THOMAS .....	Baltimore, Md.
HULBERT, ROBERT A.....	Seattle, Wash.
HULL, H. L.....	North Yakima, Wash
HULL, HADLAI A.....	New London, Conn.
HULL, LOUIS K.....	Minneapolis, Minn.
HUMBURG, ANDREW P.....	Chicago, Ill.
HUME, F. CHARLES, JR.....	Houston, Tex.
HUMPHREY, BURT JAY.....	Jamaica, N. Y.
HUMPHRIES, JOHN E.....	Seattle, Wash.
HUNDLEY, OSCAR R.....	Birmingham, Ala.
HUNEKE, WILLIAM A.....	Spokane, Wash.
HUNSAKER, WILLIAM J.....	Los Angeles, Cal.

HUNT, CARLETON .....	New Orleans, La.
HUNT, CHARLES J.....	Cincinnati, Ohio.
HUNTER, ERNEST HOWARD .....	Philadelphia, Pa.
HUNTER, WILLIAM .....	Tampa, Fla.
HUNTER, WILLIAM R.....	Kankakee, Ill.
HUNTON, EPPA, JR.....	Richmond, Va.
HURD, HARRY B.....	Chicago, Ill.
HURD, HENRY N.....	Manchester, N. H.
HURLBUTT, HENRY F.....	Boston, Mass.
HURLEY, MICHAEL A.....	Wausau, Wis.
HURSPool, JOHN C.....	Walla Walla, Wash.
HUSSEY, CHARLES WALTER.....	Waterville, Me.
HUSTED, EARL W.....	Everett, Wash.
HUTCHINGS, HENRY M.....	Boston, Mass.
HUTCHINS, HARRY B.....	Ann Arbor, Mich.
HUTCHINS, JAMES C.....	Chicago, Ill.
HUTCHINSON, CHARLES L.....	Portland, Me.
HUTCHINSON, RICHARD G.....	Seattle, Wash.
HUTSON, CHARLES T.....	Seattle, Wash.
HYDE, CHARLES C.....	Chicago, Ill.
HYDE, JAMES W.....	Chicago, Ill.
HYDE, SIMEON .....	Charleston, S. C.
HYDE, WESLEY W.....	Grand Rapids, Mich.
HYDE, WILLIAM W.....	Hartford, Conn.
HYLAND, IVAN L.....	Seattle, Wash.
HYZER, E. M.....	Chicago, Ill.
INGALSBE, GRENVILLE M.....	Sandy Hill, N. Y.
INGERSOLL, HENRY H.....	Knoxville, Tenn.
INGLER, FRANCIS M.....	Indianapolis, Ind.
INGRAHAM, WILLIAM M.....	Portland, Me.
INNES, CHARLES H.....	Boston, Mass.
IRVINE, FRANK .....	Ithaca, N. Y.
IRWIN, CLINTON F.....	Elgin, Ill.
IRWIN, MASON .....	Montesano, Wash.
IRWIN, RICHARD W.....	Northampton, Mass.
ISAACS, LEWIS M.....	New York, N. Y.
ISSENHUTH, WILLIAM .....	Redfield, S. D.
IVES, J. MOSS.....	Danbury, Conn.
IVES, MORSE .....	Chicago, Ill.
JACKSON, ANSON B.....	Minneapolis, Minn.
JACKSON, CLIFFORD L.....	Muskogee, Okla.
JACKSON, GEORGE P. B.....	St. Louis, Mo.
JACKSON, WILLIAM H.....	New York, N. Y.
JACOBSON, ISAAC W.....	Brooklyn, N. Y.
JAGGARD, EDWIN A.....	St. Paul, Minn.

JAMES, BENJAMIN F.....	Bowling Green, Ohio.
JAMES, FRANCIS B.....	Cincinnati, Ohio
JAMESON, OVID B.....	Indianapolis, Ind.
JANUARY, WILLIAM L.....	Detroit, Mich.
JAYNE, H. LABARRE.....	Philadelphia, Pa.
JAYNE, TRAFFORD N.....	Minneapolis, Minn.
JEFFERSON, CARL S.....	Chicago, Ill.
JEFFRIES, JAMES H.....	Pineville, Ky.
JEFFRIES, L. E.....	Selma, Ala.
JEFFRIES, MALCOLM G.....	Janesville, Wis.
JELLINEK, EDWARD L.....	Buffalo, N. Y.
JENCKES, THOMAS A.....	Providence, R. I.
JENKINS, FRANK E.....	Oxford, Mich.
JENKINS, JAMES G.....	Milwaukee, Wis.
JENKINS, JOHN J.....	Chippewa Falls, Wis.
JENKS, ROBERT D.....	Philadelphia, Pa.
JENNINGS, ANDREW J.....	Fall River, Mass.
JENNINGS, ROBERT W. (Seattle, Wash.).....	Juneau, Alaska Ter.
JENSWOLD, JOHN, JR.....	Duluth, Minn.
JEWETT, STEPHEN S.....	Laconia, N. H.
JOB, THOMAS C.....	Prescott, Arizona Ter.
JOHNSON, BENJAMIN N.....	Boston, Mass.
JOHNSON, CHARLES F.....	Waterville, Me.
JOHNSON, EDWIN J.....	New York, N. Y.
JOHNSON, GEORGE S.....	St. Louis, Mo.
JOHNSON, H. LINSLEY.....	New York, N. Y.
JOHNSON, HARVEY L.....	Tacoma, Wash.
JOHNSON, HOMER H.....	Cleveland, Ohio.
JOHNSON, MERRITT A.....	Rockland, Me.
JOHNSON, RICHARD H.....	Boise, Ida.
JOHNSON, SIMEON M.....	Cincinnati, Ohio.
JOHNSTON, THOMAS J.....	New York, N. Y.
JOHNSTON, W. M.....	Billings, Mont.
JOLINE, ADRIAN H.....	New York, N. Y.
JONES, ARTHUR.....	Detroit, Mich.
JONES, ASAHEL W.....	Burg Hill, Ohio.
JONES, BURR W.....	Madison, Wis.
JONES, FREELAND.....	Bangor, Me.
JONES, GEORGE W.....	Montgomery, Ala.
JONES, GUSTAVE.....	Newport, Ark.
JONES, J. LEVERING.....	Philadelphia, Pa.
JONES, JAMES C.....	St. Louis, Mo.
JONES, JOHN J.....	Chanute, Kan.
JONES, LEONARD A.....	Boston, Mass.
JONES, RANKIN D.....	Cincinnati, Ohio.

JONES, RICHARD SAXE.....	Seattle, Wash.
JONES, RICHMOND L.....	Reading, Pa.
JONES, STEPHEN R.....	Boston, Mass.
JONES, THOMAS G.....	Montgomery, Ala.
JOSLIN, JAMES T.....	Hudson, Mass.
JOSLYN, CHARLES D.....	Detroit, Mich.
JOSS, FREDERICK A.....	Indianapolis, Ind.
JOURDAN, MORTON .....	St. Louis, Mo.
JUDAH, NOBLE B.....	Chicago, Ill.
JUDSON, FREDERICK N.....	St. Louis, Mo.
JUNKIN, FRANCIS T. A.....	Chicago, Ill.
JUREY, JOHN S.....	Seattle, Wash.
KALES, ALBERT M.....	Chicago, Ill.
KALISCH, SAMUEL .....	Newark, N. J.
KALISH, EDWIN L.....	New York, N. Y.
KANE, FRANCIS FISHER.....	Philadelphia, Pa.
KANE, JAMES H.....	Seattle, Wash.
KANE, MATTHEW J.....	Guthrie, Okla.
KAPPLER, CHARLES J.....	Washington, D. C.
KARCHER, GEORGE H.....	Chicago, Ill.
KARNES, J. V. C.....	Kansas City, Mo.
KAVANAGH, MARCUS A.....	Chicago, Ill.
KAY, JAMES I.....	Pittsburgh, Pa.
KAY, WILLIAM E.....	Jacksonville, Fla.
KEASBEY, EDWARD Q.....	Newark, N. J.
KEATON, J. R.....	Oklahoma City, Okla.
KEATOR, JOHN F.....	Philadelphia, Pa.
KEEBLE, JOHN B.....	Nashville, Tenn.
KEENA, JAMES T.....	Detroit, Mich.
KEENE, A. M.....	Fort Scott, Kan.
KEENE, WALTER A.....	Seattle, Wash.
KEENER, WILLIAM A.....	New York, N. Y.
KEENEY, WILLARD F.....	Grand Rapids, Mich.
KEHOE, JOHN B.....	Portland, Me.
KEHR, EDWARD C.....	St. Louis, Mo.
KEITH, ARTHUR M.....	Minneapolis, Minn.
KEITH, HOSMER H.....	Sioux Falls, S. D.
KEITH, WM. C.....	Seattle, Wash.
KELBY, JAMES E.....	Omaha, Neb.
KELLEHER, DANIEL .....	Seattle, Wash.
KELLEHER, JOHN .....	Seattle, Wash.
KELLEN, WILLIAM V.....	Cohasset, Mass.
KELLER, C. A.....	San Antonio, Tex.
KELLEY, C. F.....	Butte, Mont.
KELLEY, FRANK H.....	Tacoma, Wash.

KELLEY, GEORGE THOMAS.....	Chicago, Ill.
KELLEY, ROGERS P.....	Auburn, Me.
KELLEY, WILLIAM H.....	Richmond, Ind.
KELLIE, RONALD SCOTT.....	Detroit, Mich.
KELLOGG, FRANK B.....	St. Paul, Minn.
KELLOGG, JOHN A.....	Bellingham, Wash.
KELLOGG, JOSEPH A.....	Glens Falls, N. Y.
KELLOGG, L. LAFLIN.....	New York, N. Y.
KELLY, HARRY E.....	Denver, Col.
KELLY, WILLIAM R.....	Los Angeles, Cal.
KEMP, BOLIVAR E.....	Amite, La.
KEMP, JOHN W.....	Los Angeles, Cal.
KENDALL, MESSMORE .....	New York, N. Y.
KENNA, EDWARD D. (New York, N. Y.).....	Chicago, Ill.
KENNEDY, HOWARD .....	Omaha, Neb.
KENNEDY, J. A. C.....	Omaha, Neb.
KENNEDY, J. Y.....	Everett, Wash.
KENNEDY, RICHARD L.....	St. Paul, Minn.
KENNESON, THADDEUS DAVIS .....	New York, N. Y.
KENNEY, MARTIN G.....	Baltimore, Md.
KENNON, NEWELL K.....	St. Clairsville, Ohio.
KENT, CHARLES A.....	Detroit, Mich.
KENT, EDWARD .....	Phoenix, Ariz.
KENYON, ALAN D.....	New York, N. Y.
KENYON, ROBERT NELSON.....	New York, N. Y.
KENYON, WILLIAM H.....	New York, N. Y.
KENYON, WILLIAM S.....	Chicago, Ill.
KERN, JOHN W.....	Indianapolis, Ind.
KERNAN, THOMAS J.....	Baton Rouge, La.
KERR, J. A.....	Seattle, Wash.
KERR, JAMES B.....	Portland, Ore.
KERR, ROBERT J.....	Chicago, Ill.
KERR, THOMAS B.....	New York, N. Y.
KERR, WILLIAM A.....	Minneapolis, Minn.
KERWIN, J. C.....	Neenah, Wis.
KETCHAM, WILLIAM A.....	Indianapolis, Ind.
KEYES, HARLOW W.....	Indianola, Neb.
KEYSOR, WILLIAM W.....	St. Louis, Mo.
KIBLER, EDWARD .....	Newark, Ohio.
KIDDLE, ALFRED W.....	New York, N. Y.
KIES, WILLIAM S.....	Chicago, Ill.
KILLIAN, JAMES R.....	Denver, Col.
KILVEET, THOMAS .....	New York, N. Y.
KING, ALFRED R.....	Delta, Col.
KING, ARNO W.....	Ellsworth, Me.

KING, AUGUSTUS H.....	Jacksonville, Fla.
KING, CHARLES D.....	Olympia, Wash.
KING, DAVID BENNETT.....	New York, N. Y.
KING, EDMUND B.....	Sandusky, Ohio.
KING, FREDERICK D.....	New Orleans, La.
KING, GEORGE A.....	Washington, D. C.
KING, HENRY W. (New York, N. Y.).....	Worcester, Mass.
KING, ROBERT J.....	Zanesville, Ohio.
KING, WILL R.....	Salem, Ore.
KING, WILLIAM B.....	Washington, D. C.
KINGMAN, JOSEPH R.....	Minneapolis, Minn.
KINGSLEY, WILLARD .....	Grand Rapids, Mich.
KINKRAID, M. P.....	O'Neill, Neb.
KINNANE, JAMES H.....	Dowagiac, Mich.
KINNEY, CLESSON S.....	Salt Lake City, Utah.
KINSLER, JAMES C.....	Omaha, Neb.
KIRBY, DANIEL NOYES.....	St. Louis, Mo.
KIRCHWEY, GEORGE W.....	New York, N. Y.
KIRLIN, J. PARKER.....	New York, N. Y.
KIRTLAND, MICHEL .....	New York, N. Y.
KITTBEDGE, IVY G.....	New Orleans, La.
KLEIN, JACOB .....	St. Louis, Mo.
KLINE, VIRGIL P.....	Cleveland, Ohio.
KLING, JOSEPH .....	New York, N. Y.
KNAPPEN, LOYAL E.....	Grand Rapids, Mich.
KNAPPEN, STUART E.....	Grand Rapids, Mich.
KNAUF, JOHN .....	Jamestown, N. D.
KNAUTH, ANTONIO .....	New York, N. Y.
KNEELAND, ANDREW DELOS.....	New York, N. Y.
KNICKERBOCKER, IRVING B.....	Auburn, Wash.
KNIGHT, HARRY S.....	Sunbury, Pa.
KNIGHT, WALTER A.....	Cincinnati, Ohio.
KNOWLES, HIRAM .....	Missoula, Mont.
KNOWLTON, JOHN F.....	Ellsworth, Me.
KNOWLTON, WILLIAM J.....	Portland, Me.
KNOX, JOHN MASON.....	New York, N. Y.
KNOX, P. C. (Washington, D. C.).....	Pittsburgh, Pa.
KNOX, T. J.....	Jackson, Minn.
KOHN, AARON .....	Louisville, Ky.
KOON, MARTIN B.....	Minneapolis, Minn.
KORNEGAY, W. H.....	Vinita, Okla.
KORNS, E. B.....	Tracy, Minn.
KORTE, GEORGE W.....	Seattle, Wash.
KRAMER, EDWARD C.....	East St. Louis, Ill.
KRAUTHOFF, EDWIN A.....	Kansas City, Mo.

KRAUTHOFF, LOUIS C.....	New York, N. Y.
KREMER, EUGENE G.....	New York, N. Y.
KRETZINGER, GEORGE W.....	Chicago, Ill.
KYLE, J. P.....	St. Paul, Minn.
LACEY, JOHN W.....	Cheyenne, Wyo.
LACKNER, FRANCIS .....	Chicago, Ill.
LACY, ARTHUR J.....	Detroit, Mich.
LADD, BABSON S.....	Boston, Mass.
LADD, NATHANIEL W.....	Boston, Mass.
LADD, SANFORD B.....	Kansas City, Mo.
LAMAR, JOSEPH R.....	Augusta, Ga.
LAMBERTON, HENRY M.....	Winona, Minn.
LAMBERTON, JAMES M.....	Harrisburg, Pa.
LANCASTER, CHARLES C.....	Washington, D. C.
LANCASTER, GEORGE D.....	Chattanooga, Tenn.
LANCASTER, WILLIAM A.....	Minneapolis, Minn.
LAND, ALFRED D.....	New Orleans, La.
LANDAU, MOSES DAVID.....	Vicksburg, Miss.
LANDIS, CHARLES I.....	Lancaster, Pa.
LANDMAN, WILLIAM J.....	Grand Rapids, Mich.
LANE, FRANKLIN K.....	San Francisco, Cal.
LANE, WALLACE R.....	Des Moines, Iowa.
LANE, WARREN D.....	Seattle, Wash.
LANE, WILFRED C.....	Valdosta, Ga.
LANGDON, MARTIN .....	Omaha, Neb.
LANNING, WILLIAM M.....	Trenton, N. J.
LANTY, THOMAS B.....	Chicago, Ill.
LARIMER, JEREMIAH B.....	Topeka, Kan.
LARIMORE, JOHN A.....	Minneapolis, Minn.
LARNER, JOHN B.....	Washington, D. C.
LAROCHE, WALTER P.....	Portland, Ore.
LARRABEE, FRANK D.....	Minneapolis, Minn.
LARRABEE, SETH L.....	Portland, Me.
LARSON, OSCAR J.....	Duluth, Minn.
LATHAM, F. E.....	Howard Lake, Minn.
LATHEOP, GARDINER .....	Chicago, Ill.
LAUGHLIN, MATTHEW .....	Bangor, Me.
LAUSIER, LOUIS B.....	Biddeford, Me.
LAUTERBACH, EDWARD .....	New York, N. Y.
LA VEINE, EDWARD N.....	Coeur d'Alene, Ida.
LAWLER, OSCAR .....	Los Angeles, Cal.
LAWRASON, SAMUEL McC.....	St. Francisville, La.
LAWRENCE, GEORGE A.....	Galesburg, Ill.
LAWSON, JOHN D.....	Columbia, Mo.
LAWSON, JOSEPH A.....	Albany, N. Y.

LAWTON, ALEXANDER R.....	Savannah, Ga.
LAYBOURN, C. G.....	Minneapolis, Minn.
LEA, OVERTON .....	Nashville, Tenn.
LEAHY, JOHN S.....	St. Louis, Mo.
LEAKE, HUNTER C.....	New Orleans, La.
LEAKE, WILLIAM WALTER.....	St. Francisville, La.
LEAKEN, WILLIAM R.....	Savannah, Ga.
LEAKIN, J. WILSON.....	Baltimore, Md.
LEAMING, THOMAS .....	Philadelphia, Pa.
LEAVITT, JOHN BROOKS.....	New York, N. Y.
LECKIE, A. E. L.....	Washington, D. C.
LEDBETTER, WALTER A.....	Oklahoma City, Okla.
LEE, ARTHUR B.....	Spokane, Wash.
LEE, BLAIR (Washington, D. C.).....	Silver Spring, Md.
LEE, BLEWETT .....	Chicago, Ill.
LEE, CHAUCER G.....	Ames, Iowa.
LEE, JOHN F.....	St. Louis, Mo.
LEE, PAUL W.....	Fort Collins, Col.
LEE, THOMAS ZANSLAUB.....	Providence, R. I.
LEEDS, WALTER R.....	Los Angeles, Cal.
LEGÈNDRE, JAMES .....	New Orleans, La.
LEHMAIER, JAMES S.....	New York, N. Y.
LEHMANN, FRED W.....	St. Louis, Mo.
LEHMANN, SEARS .....	St. Louis, Mo.
LEMLE, GUSTAVE .....	New Orleans, La.
LENEHAN, DANIEL J.....	Dubuque, Iowa.
LEONARD, FREDERICK M.....	Philadelphia, Pa.
LEONARD, GEORGE B.....	Minneapolis, Minn.
LESTER, GEORGE B.....	New York, N. Y.
LETTON, CHARLES B.....	Lincoln, Neb.
LEVINSON, S. O.....	Chicago, Ill.
LEVIS, HOWARD C. (London, England).....	Schenectady, N. Y.
LEVY, AUBREY .....	Seattle, Wash.
LEVY, JOSEPH L.....	New York, N. Y.
LEWENBERG, SOLOMON .....	Boston, Mass.
LEWIS, FRANCIS D.....	Philadelphia, Pa.
LEWIS, J. HAMILTON.....	Chicago, Ill.
LEWIS, JOHN F.....	Philadelphia, Pa.
LEWIS, LUNSFORD L.....	Richmond, Va.
LEWIS, OLIN B.....	St. Paul, Minn.
LEWIS, ROBERT E.....	Denver, Col.
LEWIS, W. DRAPER.....	Philadelphia, Pa.
LEWIS, WILLIAM .....	London, Ky.
LEWIS, WILLIAM I.....	Paterson, N. J.
LIBBY, CHARLES F.....	Portland, Me.



LIBBY, J. M.....	Mechanics Falls, Me.
LIDDON, BENJ. S.....	Marianna, Fla.
LIEBMANN, WALTER H.....	New York, N. Y.
LIGHTNER, CLARENCE A.....	Detroit, Mich.
LIGHTNER, WILLIAM H.....	St. Paul, Minn.
LILLIE, WALTER I.....	Grand Haven, Mich.
LIND, JOHN .....	Minneapolis, Minn.
LINDLEY, CURTIS H.....	San Francisco, Cal.
LINDLEY, ERASMUS C.....	Chicago, Ill.
LINDSAY, JOHN .....	Butte, Mont.
LINDSAY, JOHN D.....	New York, N. Y.
LINDSAY, WILLIAM .....	Frankfort, Ky.
LINDSEY, EDWARD .....	Warren, Pa.
LINDSLEY, HENRY A.....	Denver, Col.
LINDSLEY, VAN SINDEREN.....	New York, N. Y.
LINN, WILLIAM B.....	Philadelphia, Pa.
LINSCOTT, DANIEL C.....	Boston, Mass.
LINTHICUM, CHARLES C.....	Chicago, Ill.
LINTHICUM, S. B.....	Portland, Ore.
LIONBERGER, ISAAC H.....	St. Louis, Mo.
LITTLEFIELD, ARTHUR S.....	Rockland, Me.
LITTLEFIELD, CHARLES E.....	New York, N. Y.
LITTLEFIELD, NATHAN W.....	Providence, R. I.
LLOYD, MALCOLM. JR.....	Philadelphia, Pa.
LOBINGIER, CHARLES S. (Manila, P. I.) .....	Omaha, Neb.
LOCKWOOD, BENONI .....	New York, N. Y.
LOCKWOOD, VIRGIL H.....	Indianapolis, Ind.
LOESCH, FRANK J.....	Chicago, Ill.
LOEWENTHAL, MAX .....	Los Angeles, Cal.
LONG, ARMISTEAD R.....	Lynchburg, Va.
LONG, HENRY C.....	Boston, Mass.
LONGSTREET, J. C.....	Jackson, Miss.
LOOMIS, N. H.....	Omaha, Neb.
LOOMIS, SEYMOUR C.....	New Haven, Conn.
LOONEY, WILLIAM H.....	Portland, Me.
LORD, FRANK E.....	Chicago, Ill.
LORENZEN, ERNEST G. (Washington, D. C.) ..	New York, N. Y.
LOVEDAY, WALTER .....	Tacoma, Wash.
LOVETT, ROBERT S.....	New York, N. Y.
LOWDEN, FRANK O.....	Oregon, Ill.
LOWELL, FRANCIS C.....	Boston, Mass.
LOWELL, JOHN .....	Boston, Mass.
LUDDEN, WILLIAM H.....	Spokane, Wash.
LUDWIG, JOHN C.....	Milwaukee, Wis.
LUECK, MARTIN L.....	Juneau, Wis.

LUEDERS, HENRY W.....	Tacoma, Wash.
LUM, BURT F.....	Minneapolis, Minn.
LUMBERT, WALLACE R.....	Caribou, Me.
LUND, CHARLES P.....	Spokane, Wash.
LUND, R. H.....	Tacoma, Wash.
LUNG, HENRY W.....	Seattle, Wash.
LUNT, HORACE G.....	Colorado Springs, Col.
LUSK, ROBERT .....	Nashville, Tenn.
LYELL, GORDON G.....	Jackson, Miss.
LYFORD, WILL H.....	Chicago, Ill.
LYLES, WILLIAM H.....	Columbia, S. C.
LYMAN, RICHARD E.....	Providence, R. I.
LYNCH, J. J.....	Chattanooga, Tenn.
LYNCH, THOMAS J.....	Augusta, Me.
LYON, ADRIAN .....	Perth Amboy, N. J.
LYON, LUTHER M.....	Wilkesboro, N. C.
LYON, MONTAGUE .....	St. Louis, Mo.
LYON, WALTER .....	Pittsburgh, Pa.
LYONS, MARTIN .....	St. Louis, Mo.
LYSTER, HENRY L.....	Detroit, Mich.
MACCHESNEY, NATHAN WILLIAM.....	Chicago, Ill.
MACDONALD, EUGENE SPENCER.....	New York, N. Y.
MACDONALD, WILLIAM J.....	Calumet, Mich.
MACK, JULIAN W.....	Chicago, Ill.
MACK, WILLIAM .....	New York, N. Y.
MACKALL, WILLIAM W.....	Savannah, Ga.
MACKENZIE, THOMAS .....	Baltimore, Md.
MAGKINTOSH, KENNETH .....	Seattle, Wash.
MACKOY, HARRY BRENT.....	Cincinnati, Ohio.
MACKOY, WILLIAM H.....	Cincinnati, Ohio.
MACLANE, JOHN F.....	Moscow, Ida.
MACLEOD, WILLIAM A.....	Boston, Mass.
MACPHERSON, ERNEST .....	Louisville, Ky.
MADDIN, PERCY D.....	Nashville, Tenn.
MADDOX, SAMUEL .....	Washington, D. C.
MADIGAN, JOHN B.....	Houlton, Me.
MADISON, CHARLES E.....	Kansas City, Mo.
MAFFETT, JAMES T.....	Clarion, Pa.
MAGRUDER, BENJAMIN D.....	Chicago, Ill.
MAHAN, GEORGE A.....	Hannibal, Mo.
MAHONEY, TIMOTHY J.....	Omaha, Neb.
MAIN, JOHN F.....	Seattle, Wash.
MAJOR, ELLIOTT W.....	Jefferson City, Mo.
MALLORY, H. S. D.....	Selma, Ala.
MALONE, DANA .....	Greenfield, Mass.

MALONE, JAMES E.....	Juneau, Wis.
MALTBIE, THEODORE M.....	Hartford, Conn.
MANDERSON, CHARLES F.....	Omaha, Neb.
MANLY, CLEMENT .....	Winston-Salem, N. C.
MANLY, GEORGE C.....	Denver, Col.
MANSER, HARRY .....	Auburn, Me.
MARBURY, WILLIAM L.....	Baltimore, Md.
MARDEN, CHARLES S.....	Barnesville, Minn.
MARKHAM, GEORGE W.....	St. Paul, Minn.
MARLATT, HERBERT R.....	St. Louis, Mo.
MARSHALL, FRANK D.....	Portland, Me.
MARSHALL, LOUIS .....	New York, N. Y.
MARSHALL, R. E. LEE.....	Baltimore, Md.
MARSTON, THOMAS B.....	Chicago, Ill.
MARTIN, HORACE H.....	Chicago, Ill.
MARTIN, J. WILLIS .....	Philadelphia, Pa.
MARTIN, THOMAS W.....	Montgomery, Ala.
MARTIN, WILLIAM J.....	New York, N. Y.
MARTIN, WILLIAM PARMENTER.....	New York, N. Y.
MARTINDALE, CHARLES .....	Indianapolis, Ind.
MARX, FREDERICK Z.....	Chicago, Ill.
MASON, ALFRED F.....	St. Paul, Minn.
MASON, JOHN ROGERS.....	Bangor, Me.
MASSEY, LOUIS C.....	Orlando, Fla.
MASSIE, EUGENE C.....	Richmond, Va.
MASTICK, SEABURY C.....	New York, N. Y.
MATHENY, JAMES H.....	Springfield, Ill.
MATHER, ROBERT .....	New York, N. Y.
MATHEWSON, ALBERT McCLELLAN.....	New Haven, Conn.
MATHEWSON, CHARLES F.....	New York, N. Y.
MATTERS, THOMAS H.....	Omaha, Neb.
MATTHEWS, C. BENTLEY.....	Cincinnati, Ohio.
MATTHEWS, FRED V.....	Portland, Me.
MATTHEWS, MATTHEW C.....	Dubuque, Iowa.
MATTHEWS, MORTIMER .....	Cincinnati, Ohio.
MATTHEWS, WILLIAM S.....	Berwick, Me.
MATTOCKS, CHARLES P.....	Portland, Me.
MATZ, RUDOLPH .....	Chicago, Ill.
MAXWELL, JOHN M.....	Denver, Col.
MAXWELL, LAWRENCE, JR.....	Cincinnati, Ohio.
MAY, HENRY F.....	Denver, Col.
MAYER, LEVY .....	Chicago, Ill.
MAYFIELD, J. E.....	Cleveland, Tenn.
MAYNARD, JAMES, JR.....	Knoxville, Tenn.
MEAD, ALBERT E.....	Olympia, Wash.

MEAHNER, DENNIS A.....	Portland, Me.
MEARES, IREDELLE .....	Wilmington, N. C.
MECARTNEY, HARRY S.....	Chicago, Ill.
MECHEM, FLOYD R.....	Chicago, Ill.
MELDRIM, P. W.....	Savannah, Ga.
MELLEN, CHASE .....	New York, N. Y.
MENDENHALL, MARK F.....	Spokane, Wash.
MERCER, DAVID H.....	Omaha, Neb.
MERCER, HUGH V.....	Minneapolis, Minn.
MERCHANT, HENRY D.....	New York, N. Y.
MERCUR, RODNEY A.....	Towanda, Pa.
MEREDITH, CHARLES V.....	Richmond, Va.
MERRICK, CHARLES D.....	Parkersburg, W. Va.
MERRICK, EDWIN T.....	New Orleans, La.
MERRICK, GEORGE PECK.....	Chicago, Ill.
MERRILL, JOHN F. A.....	Portland, Me.
MERRILL, JOSEPH HANSELL.....	Thomasville, Ga.
MERRITT, SEABURY .....	Spokane, Wash.
MERVINE, NICHOLAS P.....	Altoona, Pa.
MESERVE, EDWIN A.....	Los Angeles, Cal.
MESTREZAT, S. LESLIE.....	Uniontown, Pa.
METCALF, CHARLES W.....	Memphis, Tenn.
METCALF, CHARLES W.....	Pineville, Ky.
MEYERS, SIDNEY S.....	New York, N. Y.
MICHENER, L. T.....	Washington, D. C.
MIKELL, WILLIAM E.....	Philadelphia, Pa.
MILBURN, JOHN G.....	New York, N. Y.
MILES, JOSHUA W.....	Princess Anne, Md.
MILES, OSCAR L.....	Fort Smith, Ark.
MILES, WILLIAM P.....	Sidney, Neb.
MILLAN, WILLIAM W.....	Washington, D. C.
MILLARD, W. D.....	Chicago, Ill.
MILLER, BENJAMIN K.....	Milwaukee, Wis.
MILLER, CHARLES E.....	South Bend, Wash.
MILLER, CHARLES W. (Indianapolis).....	Goshen, Ind.
MILLER, CLARENCE B. (Washington, D. C.)...	Duluth, Minn.
MILLER, E. SPENCER.....	Philadelphia, Pa.
MILLER, GEORGE P.....	Milwaukee, Wis.
MILLER, HUGH GORDON.....	New York, N. Y.
MILLER, JESSE A.....	Des Moines, Iowa.
MILLER, JOHN D.....	New Orleans, La.
MILLER, JOHN S.....	Chicago, Ill.
MILLER, JOSEPH N.....	Camden, Ala.
MILLER, N. DUBOIS.....	Philadelphia, Pa.
MILLER, ROBERT N.....	Hazlehurst, Miss.

MILLER, SIDNEY T.....	Detroit, Mich.
MILLER, T. S.....	Dallas, Tex.
MILLER, WILLIAM K.....	Augusta, Ga.
MILLER, WILLIAM N.....	Parkersburg, W. Va.
MILLER, WILLIAM W.....	New York, N. Y.
MILLIKEN, E. E.....	Los Angeles, Cal.
MILLIKEN, JOHN D.....	Denver, Col.
MILLING, R. E.....	Franklin, La.
MILLION, E. C.....	Seattle, Wash.
MILLIS, WADE .....	Detroit, Mich.
MILLS, EDWARD C.....	Walla Walla, Wash.
MILNER, P. M.....	New Orleans, La.
MILNOR, M. CLEILAND.....	New York, N. Y.
MINER, SIDNEY R.....	Wilkesbarre, Pa.
MINIS, ABRAM .....	Savannah, Ga.
MINOR, BENJAMIN S.....	Washington, D. C.
MINOR, RALEIGH C.....	Charlottesville, Va.
MINOR, WIET .....	Portland, Ore.
MINTON, FRANCIS L.....	New York, N. Y.
MITCHELL, CHARLES E.....	New Britain, Conn.
MITCHELL, HENRY L.....	Bangor, Me.
MITCHELL, JOHN M.....	Concord, N. H.
MITCHELL, JOHN R.....	Olympia, Wash.
MITCHELL, OSCAR .....	Duluth, Minn.
MITCHELL, WILLIAM D.....	St. Paul, Minn.
MOATS, FRANCIS P.....	Parkersburg, W. Va.
MOCQUOT, JAMES DENIS.....	Paducah, Ky.
MOFFAT, R. BURNHAM.....	New York, N. Y.
MOFFIT, JOHN T.....	Tipton, Iowa.
MOHUN, BABBY .....	Washington, D. C.
MOLLETTE, A. R.....	Durango, Col.
MOLLOHAN, WESLEY .....	Charleston, W. Va.
MONBOE, CHARLES .....	Los Angeles, Cal.
MONROE, J. BLANC.....	New Orleans, La.
MONTAGUE, RICHARD W.....	Portland, Ore.
MONTGOMERY, CARROLL S.....	Omaha, Neb.
MONTGOMERY, JOB H.....	Camden, Me.
MONTGOMERY, JOHN R.....	Chicago, Ill.
MONTGOMERY, OSCAR H.....	Seymour, Ind.
MOODY, CARY C.....	Greenville, Miss.
MOONEY, HENRY .....	New Orleans, La.
MOORE, ALBERT R.....	St. Paul, Minn.
MOORE, BEN L.....	Seattle, Wash.
MOORE, CHARLES A.....	Asheville, N. C.
MOORE, F. A.....	Salem, Ore.

MOORE, H. D.....	Seattle, Wash.
MOORE, I. D.....	New Orleans, La.
MOORE, J. McCABE.....	Kansas City, Kan.
MOORE, JOHN BASSETT.....	New York, N. Y.
MOORE, JOHN M.....	Little Rock, Ark.
MOORE, JOSEPH B.....	Lansing, Mich.
MOORE, JOSEPH E.....	Thomaston, Me.
MOORE, M. HERNDON.....	Columbia, S. C.
MOORE, WILLIAM F.....	Guthrie Center, Iowa.
MOORE, WM. HICKMAN.....	Seattle, Wash.
MOORELAND, J. C.....	Salem, Ore.
MOORES, CHARLES W.....	Indianapolis, Ind.
MOORES, MERRILL .....	Indianapolis, Ind.
MOOT, ADELBERT .....	Buffalo, N. Y.
MORDECAI, T. MOULTRIE.....	Charleston, S. C.
MORE, CLAIR E.....	Chicago, Ill.
MORGAN, CHARLES E., JR.....	Philadelphia, Pa.
MORGAN, FRANK L.....	Hoquiam, Wash.
MORGAN, GEORGE WILSON.....	New York, N. Y.
MORGAN, RANDALL .....	Philadelphia, Pa.
MORGAN, WILLIAM B.....	Trinidad, Col.
MORPHY, E. HOWARD.....	St. Paul, Minn.
MORRILL, DONALD L.....	Chicago, Ill.
MORRILL, JOHN A.....	Aburn, Me.
MORRIS, JOHN .....	Fort Wayne, Ind.
MORRIS, PAGE .....	Duluth, Minn.
MORRIS, ROLAND S.....	Philadelphia, Pa.
MORRIS, ROBERT C.....	New York, N. Y.
MORRIS, THOMAS J.....	Baltimore, Md.
MORRISON, JOHN T.....	Boise, Ida.
MORRISON, ROBERT E.....	Prescott, Ariz.
MORRISON, ROBERT G.....	Minneapolis, Minn.
MORRISON, SAMUEL .....	Seattle, Wash.
MORROW, DWIGHT W.....	New York, N. Y.
MORROW, ROBERT G.....	Portland, Ore.
MORSCHAUER, JOSEPH .....	Poughkeepsie, N. Y.
MORSE, A. PORTER .....	Washington, D. C.
MORSE, GODFREY .....	Boston, Mass.
MORSE, ROBERT M.....	Boston, Mass.
MORSE, WALDO G.....	New York, N. Y.
MORTON, ELBERT C.....	Columbus, Ohio.
MORTON, HENRY SAMUEL.....	New York, N. Y.
MORTON, MARCUS .....	Boston, Mass.
MORTON, WILLIAM O.....	Los Angeles, Cal.
MOSES, RAPHAEL J.....	New York, N. Y.

MOSIER, JOHN H.....	Muskogee, Okla.
MOSS, FRANK .....	New York, N. Y.
MOULTON, AUGUSTUS F.....	Portland, Me.
MOUNT, WALLACE .....	Spokane, Wash.
MOUNTCASTLE, R. E. L.....	Knoxville, Tenn.
MOWER, GEORGE SEWELL.....	Newberry, S. C.
MUELLER, OSCAR C.....	Los Angeles, Cal.
MUIR, WILLIAM T.....	Portland, Ore.
MULKEY, FREDERICK W.....	Portland, Ore.
MULLEN, WILLIAM E.....	Cheyenne, Wyo.
MULLIN, FRANCIS B.....	Brooklyn, N. Y.
MULLIN, MICHAEL A.....	Baltimore, Md.
MULLINS, FREDERIC J.....	Salem, Ohio.
MULVANE, DAVID W.....	Topeka, Kan.
MUNDAY, CHARLES F.....	Seattle, Wash.
MUNFORD, BEVERLEY B.....	Richmond, Va.
MUNGER, W. H.....	Omaha, Neb.
MUNN, GEORGE LADD.....	Seattle, Wash.
MUNN, MARCUS D.....	St. Paul, Minn.
MUNSON, C. LARUE.....	Williamsport, Pa.
MUNSON, GILBERT D.....	Los Angeles, Cal.
MURDOCK, JOHN S.....	Providence, R. I.
MURPHY, CHARLES J.....	Grand Forks, N. D.
MURPHY, DANIEL D.....	Elkader, Iowa.
MURPHY, JAMES B.....	Seattle, Wash.
MURPHY, JOHN A.....	Superior, Wis.
MURRAY, A. GORDON.....	New York, N. Y.
MURRAY, CHARLES A.....	Tacoma, Wash.
MURRELL, WILLIAM M.....	Lynchburg, Va.
MURTHA, THOMAS F.....	New York, N. Y.
MUSGRAVE, HARRISON .....	Chicago, Ill.
MYERS, H. A. P.....	Seattle, Wash.
MYERS, JAMES J.....	Boston, Mass.
MYERS, NATHANIEL .....	New York, N. Y.
MYERS, QUINCY A.....	Logansport, Ind.
MCALLISTER, HENRY, JR.....	Denver, Col.
MCALPIN, HENRY .....	Savannah, Ga.
MCALPINE, JOHN W.....	Mobile, Ala.
MCARDLE, P. L.....	Chicago, Ill.
MCCAFFERTY, JAMES J.....	Seattle, Wash.
MCCAFFREY, JOSEPH J.....	Providence, R. I.
MCCALL, EDWARD E.....	New York, N. Y.
MCCARTER, EDWARD B.....	Columbus, Ohio.
MCCARTER, ROBERT H.....	Newark, N. J.
MCCARTHY, M. B.....	Toledo, Ohio.

MCCARTHY, MATTHEW .....	Rumford Falls, Me.
M'CAULEY, C. H. ....	Ridgway, Pa.
MCCLAIN, EMLIN .....	Iowa City, Iowa.
MCCLELLAN, THOMAS C. ....	Montgomery, Ala.
MCCLENAHAN, WILLIAM S. ....	Brainerd, Minn.
MCCLENCH, WILLIAM W. ....	Springfield, Mass.
MCCLENDON, JAMES W. ....	Austin, Tex.
MCCLINTOCK, ANDREW H. ....	Wilkesbarre, Pa.
MCCLINTOCK, W. S. ....	Topeka, Kan.
MCCLOSKEY, BERNARD .....	New Orleans, La.
MCCLUNG, WM. H. ....	Pittsburgh, Pa.
MCCLURE, DAVID .....	New York, N. Y.
MCCLURE, HAROLD M. ....	Lewisburg, Pa.
MCCLURE, HENRY F. ....	Seattle, Wash.
MCCLURE, WALTER A. ....	Seattle, Wash.
MCCLURE, WILLIAM E. ....	Seattle, Wash.
MCCOMBS, WILLIAM F. ....	New York, N. Y.
MCCONLOGUE, JAMES H. ....	Mason City, Iowa.
MCCONNELL, JAMES E. ....	Boston, Mass.
MCCONNICO, K. T. ....	Nashville, Tenn.
MCCOOK, JOHN J. ....	New York, N. Y.
MCCOOK, PHILIP JAMES. ....	New York, N. Y.
MCCORD, E. S. ....	Seattle, Wash.
MCCORDIC, ALFRED E. ....	Chicago, Ill.
MCCORMICK, JOSEPH MANSON. ....	Dallas, Tex.
MCCORMICK, ROBERT H., JR. ....	Chicago, Ill.
MCCRARY, A. J. ....	Binghamton, N. Y.
MCCREERY, JAMES W. ....	Greeley, Col.
MCCROSKEY, R. L. ....	Colfax, Wash.
MCCULLOCH, FRANK H. ....	Chicago, Ill.
MCCULLOUGH, JOHN G. ....	No. Bennington, Vt.
MCDANIELS, JOHN H. ....	Ellensburg, Wash.
MCDERMOTT, EDWARD J. ....	Louisville, Ky.
MCDERMOTT, FRANK P. ....	Jersey City, N. J.
MCDONALD, E. E. ....	Bemidji, Minn.
MCDONALD, EDWARD L. ....	Louisville, Ky.
MCDONALD, J. WADE. ....	San Diego, Cal.
MCDONALD, WILL T. ....	Bay St. Louis, Miss.
MCDONNELL, THOS. F. I. ....	Providence, R. I.
MCDONOUGH, FRANK, SR. ....	Denver, Col.
MCDONOUGH, JAMES B. ....	Fort Smith, Ark.
MCDUGALL, D. C. ....	Malad City, Ida.
MCELHENY, VICTOR K., JR. ....	New York, N. Y.
MCELROY, JOHN H. ....	Chicago, Ill.
MCEVOY, JOHN W. ....	Lowell, Mass.



McEWEN, WILLARD M.....	Chicago, Ill.
McGAREY, THOMAS F.....	Jacksonville, Fla.
McGEE, J. F.....	Minneapolis, Minn.
McGILL, J. NOTA.....	Washington, D. C.
McGOORTY, JOHN P.....	Chicago, Ill.
McGUIRE, FRANK L.....	New London, Conn.
McGUIRE, HORACE .....	Rochester, N. Y.
McGUIRK, ARTHUR .....	New Orleans, La.
McHUGH, CHARLES A.....	Roanoke, Va.
McHUGH, PHILIP A.....	Detroit, Mich.
McHUGH, WILLIAM D.....	Omaha, Neb.
McILVAINE, TOMPKINS .....	New York, N. Y.
McINTOSH, JAMES H.....	New York, N. Y.
McKEEN, JAMES .....	New York, N. Y.
McKENNEY, FREDERIC D.....	Washington, D. C.
McKENZIE, JOHN .....	Minneapolis, Minn.
McKINLEY, J. W.....	Los Angeles, Cal.
McKINNEY, T. A.....	Walla Walla, Wash.
McKINNEY, WILLIAM M.....	Northport, N. Y.
McKNIGHT, RICHARD .....	Denver, Col.
McLAUGHLIN, JOHN D.....	Boston, Mass.
McLAURIN, LAUCH .....	Austin, Tex.
McLAURIN, R. L.....	Vicksburg, Miss.
McLEAN, DONALD .....	New York, N. Y.
McLEOD, W. D.....	Kansas City, Mo.
McMAHON, J. SPRIGG.....	Dayton, Ohio.
McMAHON, JOHN J.....	Columbia, S. C.
McMANUS, A. E.....	Duluth, Minn.
McMICKEN, MAURICE .....	Seattle, Wash.
McMILLAN, PHILIP H.....	Detroit, Mich.
McMILLAN, RAYMOND J.....	Tacoma, Wash.
McMURCHIE, R. ....	Everett, Wash.
McNARY, JOHN H.....	Salem, Ore.
McNULTY, WILLIAM D.....	New York, N. Y.
McPHEELY, JOHN L.....	Minden, Neb.
McPHERSON, SMITH .....	Redoak, Iowa.
McQUILLAN, GEORGE F.....	Portland, Me.
McREYNOLDS, JAMES C.....	New York, N. Y.
McSUBELY, WILLIAM H.....	Chicago, Ill.
McWHORTER, HAMILTON .....	Athens, Ga.
McWILLIAMS, HOWARD .....	New York, N. Y.
McWILLIE, THOMAS A.....	Jackson, Miss.
NAGEL, CHARLES .....	St. Louis, Mo.
NASH, LYMAN J.....	Manitowoc, Wis.
NATHAN, EDGAR J.....	New York, N. Y.

NAUMBURG, BERNARD .....	New York, N. Y.
NAYLOR, JAMES H. ....	Everett, Wash.
NEAL, FRED. W. ....	Bellingham, Wash.
NEILSON, WILLIAM D. ....	Philadelphia, Pa.
NEVILLE, JAMES H. ....	Gulfport, Miss.
NEW, ALEXANDER .....	Kansas City, Mo.
NEWBERGER, LOUIS .....	Indianapolis, Ind.
NEWELL, WILLIAM H. ....	Lewiston, Me.
NEWLIN, GURNEY E. ....	Los Angeles, Cal.
NEWMAN, JACOB .....	Chicago, Ill.
NEWMAN, THOMAS G. ....	Bellingham, Wash.
NEWTON, FREDERICK W. ....	Saginaw, Mich.
NEWTON, HENRY G. ....	New Haven, Conn.
NIBLACK, WILLIAM C. ....	Chicago, Ill.
NICHOLS, GEORGE L. ....	New York, N. Y.
NICHOLS, H. S. P. ....	Philadelphia, Pa.
NICHOLS, RALPH D. ....	Seattle, Wash.
NICHOLSON, JOHN R. ....	Dover, Del.
NICOLL, DE LANCEY. ....	New York, N. Y.
NICOLSON, JOHN .....	New York, N. Y.
NIELDS, BENJAMIN .....	Wilmington, Del.
NIELDS, JOHN P. ....	Wilmington, Del.
NIEZER, CHARLES M. ....	Fort Wayne, Ind.
NILES, ALFRED S. ....	Baltimore, Md.
NILES, EDWARD C. ....	Concord, N. H.
NILES, HENRY C. ....	York, Pa.
NILES, WILLIAM H. ....	Lynn, Mass.
NOBLE, DANIEL .....	Jamaica, N. Y.
NOBLE, HERBERT .....	New York, N. Y.
NOBLE, JOHN W. ....	St. Louis, Mo.
NOEL, JAMES W. ....	Indianapolis, Ind.
NOFFSINGER, W. N. ....	Kalispell, Mont.
NORRIS, H. F. ....	Tacoma, Wash.
NORRIS, MARK .....	Grand Rapids, Mich.
NORRIS, MYRON A. ....	Youngstown, Ohio.
NORRIS, WILLIAM H. ....	Manchester, Iowa.
NORTH, E. D. ....	Lancaster, Pa.
NORTHCUTT, JESSE G. ....	Trinidad, Col.
NORTHROP, FRANK E. ....	Marshalltown, Iowa.
NORTON, T. J. ....	Chicago, Ill.
NOYES, GEORGE F. ....	Portland, Me.
NUGENT, JOHN F. ....	Boise, Ida.
NUTTER, GEORGE R. ....	Boston, Mass.
NUZUM, RICHARD W. ....	Spokane, Wash.
NYE, CARROLL A. ....	Moorhead, Minn.

NYE, FRANK M.....	Minneapolis, Minn.
OAKES, CHARLES .....	New York, N. Y.
O'BRIEN, EDWARD D.....	New York, N. Y.
O'BRIEN, MORGAN J.....	New York, N. Y.
O'BRIEN, THOMAS D.....	St. Paul, Minn.
O'BRIEN, THOMAS J.....	Grand Rapids, Mich.
O'BYRNE, M. A.....	Savannah, Ga.
O'CONNOR, CHARLES J.....	Chicago, Ill.
O'CONNOR, FRANCIS J.....	Johnstown, Pa.
O'DAY, THOMAS .....	Portland, Ore.
O'DONNELL, JOSEPH A.....	Chicago, Ill.
O'DONNELL, LAWRENCE .....	New Orleans, La.
O'DONNELL, THOMAS J.....	Denver, Col.
OFFIELD, CHARLES K.....	Chicago, Ill.
OFFUTT, THIEMANN SCOTT.....	Towson, Md.
OGDEN, CHARLES W.....	San Antonio, Tex.
OGDEN, HOWARD N.....	Chicago, Ill.
OGDEN, LEWIS M.....	Milwaukee, Wis.
OGDEN, RAYMOND D.....	Seattle, Wash.
O'HARRA, APOLLOS W.....	Carthage, Ill.
OLCOTT, J. VAN VECHTEN .....	New York, N. Y.
OLDHAM, ROBERT P.....	Seattle, Wash.
OLDHAM, WILLIS D.....	Kearney, Neb.
OLMSTEAD, JAMES M.....	Boston, Mass.
OLMSTEAD, MARLIN E.....	Harrisburg, Pa.
OLNEY, RICHARD .....	Boston, Mass.
OLNEY, WARREN .....	San Francisco, Cal.
O'NEAL, EMMETT .....	Florence, Ala.
O'NEALL, GROSVENOR P.....	Spokane, Wash.
O'NEILL, CHARLES A.....	Franklin, La.
O'NEILL, HARRY E.....	Tuckerville, Neb.
OPDYKE, ALFRED .....	New York, N. Y.
OPDYKE, WILLIAM S.....	New York, N. Y.
ORMISTON, THOMAS SAMUEL.....	New York, N. Y.
ORR, ISAAC H.....	St. Louis, Mo.
ORR, JAMES W.....	Atchison, Kan.
ORRICK, ALLEN C.....	St. Louis, Mo.
ORTON, PHILO A.....	Darlington, Wis.
ORWIG, RALPH .....	Des Moines, Iowa.
OSBORN, EDWARD D.....	Topeka, Kan.
OSGOOD, HOWARD L.....	Rochester, N. Y.
OSTRANDER, RUSSELL C.....	Lansing, Mich.
OTTINGER, NATHAN .....	New York, N. Y.
OTTOFY, L. FRANK.....	St. Louis, Mo.
OTTS, J. C.....	Gaffney, S. C.

OVERTON, WINSTON .....	Lake Charles, La.
OWENS, GEORGE W. ....	Savannah, Ga.
OWENS, WILLIAM A. ....	Lafollette, Tenn.
OWINGS, FRANK C. ....	Olympia, Wash.
OXTOBY, JAMES V. ....	Detroit, Mich.
OXTOBY, WALTER E. ....	Detroit, Mich.
PACKARD, GEORGE .....	Chicago, Ill.
PADEN, JOSEPH E. ....	Chicago, Ill.
PAGE, GEORGE T. ....	Peoria, Ill.
PAGE, HOWARD WURTS. ....	Philadelphia, Pa.
PAGE, ROSEWELL .....	Richmond, Va.
PAGE, S. DAVIS .....	Philadelphia, Pa.
PAGE, THOMAS NELSON .....	Washington, D. C.
PAIGE, JAMES .....	Minneapolis, Minn.
PALMER, E. B. ....	Seattle, Wash.
PALMER, HENRY W. ....	Wilkesbarre, Pa.
PALMER, TRUMAN F. ....	Monticello, Ind.
PARISH, EDWARD C. ....	New York, N. Y.
PARKER, ALTON B. ....	New York, N. Y.
PARKER, CHARLES W. ....	Jersey City, N. J.
PARKER, CHAUNCEY G. ....	Newark, N. J.
PARKER, CORTLANDT, JR. ....	Newark, N. J.
PARKER, EMMETT N. ....	Tacoma, Wash.
PARKER, HERBERT .....	Boston, Mass.
PARKER, LEWIS W. ....	Chicago, Ill.
PARKER, RICHARD WAYNE. ....	Newark, N. J.
PARKER, RALPH T. ....	Rumford Falls, Me.
PARKER, WINTHROP .....	New York, N. Y.
PARKERSON, WILLIAM STIRLING. ....	New Orleans, La.
PARKHURST, FREDERIC H. ....	Bangor, Me.
PARKINSON, ROBERT H. ....	Chicago, Ill.
PARMLY, RANDOLPH .....	New York, N. Y.
PARRISH, ROBERT L. ....	Des Moines, Iowa.
PARSONS, CHARLES C. ....	Salt Lake City, Utah.
PARSONS, EDWARD A. ....	New Orleans, La.
PARSONS, HINS DILL .....	Schenectady, N. Y.
PARSONS, JOHN E. ....	New York, N. Y.
PARSONS, WILLIS E. ....	Foxcraft, Me.
PATTEE, W. S. ....	Minneapolis, Minn.
PATTEN, HERVEY H. ....	Bangor, Me.
PATTERSON, A. W. ....	Richmond, Va.
PATTERSON, CHARLES E. ....	Seattle, Wash.
PATTERSON, DANIEL W. ....	New York, N. Y.
PATTERSON, ELMER C. ....	Marshall, Minn.
PATTERSON, GEORGE S. ....	Philadelphia, Pa.

PATTERSON, JOHN C.....	Marshall, Mich.
PATTERSON, JOHN H.....	Pontiac, Mich.
PATTERSON, LINDSAY .....	Winston-Salem, N. C.
PATTERSON, M. R.....	Columbus, Ohio.
PATTERSON, NEWTON REID.....	Pineville, Ky.
PATTERSON, ROSWELL H.....	Scranton, Pa.
PATTERSON, T. ELLIOTT.....	Philadelphia, Pa.
PATTERSON, THOMAS .....	Pittsburgh, Pa.
PATTERSON, WILLIAM J.....	New York, N. Y.
PATTESON, S. S. P.....	Richmond, Va.
PATTISON, EVERETT W.....	St. Louis, Mo.
PAUL, A. C.....	Minneapolis, Minn.
PAUL, TIMOTHY A.....	Walla Walla, Wash.
PAULDING, CHARLES C.....	New York, N. Y.
PAYNE, JAMES G.....	Washington, D. C.
PAYNE, JASON E.....	Vermillion, S. D.
PAYNE, JOHN BARTON.....	Chicago, Ill.
PAYSON, EDWARD P.....	Boston, Mass.
PAYSON, FRANKLIN C.....	Portland, Me.
PEABODY, AUGUSTUS S.....	Chicago, Ill.
PEABODY, CLARENCE W.....	Portland, Me.
PEAKS, GEORGE H.....	Chicago, Ill.
PEAKS, JOSEPH B.....	Dover, Me.
PEALE, S. R.....	Lock Haven, Pa.
PEARL, FRANCIS H.....	Haverhill, Mass.
PEARSON, HAYNIE R.....	Chicago, Ill.
PECK, EPAPHRODITUS .....	Bristol, Conn.
PECK, GEORGE R.....	Chicago, Ill.
PECK, HIRAM D.....	Cincinnati, Ohio.
PEDIGO, JOHN H.....	Walla Walla, Wash.
PEEK, BURTON F.....	Moline, Ill.
PEGRAM, HENRY .....	New York, N. Y.
PEIRCE, EDWARD B.....	Chicago, Ill.
PELLETIER, JOSEPH C.....	Boston, Mass.
PELTON, CHARLES A.....	Clinton, Conn.
PEMBERTON, WILLIAM Y.....	Helena, Mont.
PENCE, JOSEPH T.....	Boise, Ida.
PENNEY, R. L.....	Minneapolis, Minn.
PENNYPACKER, CHARLES H.....	West Chester, Pa.
PENNYPACKER, SAMUEL W.....	Schwenksville, Pa.
PEPPER, GEORGE WHARTON .....	Philadelphia, Pa.
PERCY, LEROY .....	Greenville, Miss.
PERCY, WALKER .....	Birmingham, Ala.
PERCY, WILLIAM A.....	Memphis, Tenn.
PERELES, JAMES M.....	Milwaukee, Wis.

PERELES, THOMAS JEFFERSON .....	Milwaukee, Wis.
PERINGER, VIRGIL .....	Bellingham, Wash.
PERKINS, ARTHUR .....	Hartford, Conn.
PERKINS, DAVID WALTER.....	Manchester, N. H.
PERKINS, ROBERT J.....	New Orleans, La.
PERKINS, WILLIAM H., JR.....	Baltimore, Md.
PERKY, KIRTLAND I.....	Boise, Ida.
PERRY, EUGENE D.....	Des Moines, Iowa.
PERRY, R. ROSS, JR.....	Washington, D. C.
PERRY, STEPHEN C.....	Portland, Me.
PETER, JAMES B.....	Saginaw, Mich.
PETERS, ARTHUR JOHN.....	New Orleans, La.
PETERS, JOHN A.....	Ellsworth, Me.
PETERS, W. A.....	Seattle, Wash.
PETERSON, FRED. H.....	Seattle, Wash.
PETERSON, JAMES A.....	Chicago, Ill.
PETRAIN, CHARLES A.....	Portland, Ore.
PETTIT, HORACE .....	Philadelphia, Pa.
PETTY, ROBERT D.....	New York, N. Y.
PEVEY, GILBERT A. A.....	Boston, Mass.
PEYTON, FRANK M.....	Jackson, Miss.
PHELAN, JOHN J.....	Bridgeport, Conn.
PHELPS, CHARLES .....	Rockville, Conn.
PHELPS, H. H.....	Duluth, Minn.
PHELPS, HARRY E.....	Tacoma, Wash.
PHILBRICK, E. A.....	Hoquiam, Wash.
PHILBROOK, WARREN C.....	Waterville, Me.
PHILIPP, MORITZ BERNARD.....	New York, N. Y.
PHILIPS, HENRY B.....	Jacksonville, Fla.
PHILIPS, JOHN F.....	Kansas City, Mo.
PHILLIPS, LOUIS S.....	New York, N. Y.
PHILLIPS, NELSON .....	Dallas, Tex.
PICKENS, SAMUEL O.....	Indianapolis, Ind.
PICKENS, WILLIAM A.....	Indianapolis, Ind.
PICKMAN, JOHN J.....	Lowell, Mass.
PICKRELL, JOHN .....	Richmond, Va.
PIERCE, THOMAS M.....	St. Louis, Mo.
PIERCE, WILSON H.....	Waterbury, Conn.
PIERCE, WINSLOW S.....	New York, N. Y.
PIKE, VINTON .....	St. Joseph, Mo.
PILCHER, JAMES STUART.....	Nashville, Tenn.
PILES, SAMUEL H.....	Seattle, Wash.
PILLSBURY, ALBERT E.....	Boston, Mass.
PINCKNEY, MERRITT W.....	Chicago, Ill.
PINGREY, D. H.....	Bloomington, Ill.

PINKERTON, ALFRED S.....	Worcester, Mass.
PITNEY, JOHN O. H.....	Newark, N. J.
PLACE, IBA A.....	New York, N. Y.
PLAISTED, RALPH PARKER.....	Bangor, Me.
PLAYFORD, R. W.....	Uniontown, Pa.
POINDEXTER, MILES .....	Spokane, Wash.
POLLAK, FRANCIS D.....	New York, N. Y.
POLLARD, CLAUDE .....	Kingsville, Tex.
POLLOCK, JOHN C.....	Kansas City, Kan.
POLLOCK, ROBERT M.....	Fargo, N. D.
POMERENE, ATLEE .....	Canton, Ohio.
POMEROY, CHARLES W.....	Kalispell, Mont.
POND, ASHLEY .....	Detroit, Mich.
POPE, WILLIAM H.....	Roswell, N. M.
POPPENHUSEN, CONRAD H.....	Chicago, Ill.
PORTER, FRANK M.....	Los Angeles, Cal.
PORTER, LOUIS H.....	New York, N. Y.
PORTER, NATHAN SMITH.....	Olympia, Wash.
PORTER, SILAS .....	Topeka, Kan.
PORTER, VALENTINE MOTT.....	St. Louis, Mo.
PORTER, WILLIAM D.....	Pittsburgh, Pa.
POST, FRANK T.....	Spokane, Wash.
POST, PHILIP S.....	Chicago, Ill.
POTTER, C. C.....	Gainesville, Tex.
POTTER, CHARLES N.....	Cheyenne, Wyo.
POTTER, DEXTER B.....	Providence, R. I.
POTTER, FREDERICK .....	New York, N. Y.
POUND, ROSCOE .....	Chicago, Ill.
POWELL, ELMER N.....	Kansas City, Mo.
POWELL, GEORGE M.....	Jacksonville, Fla.
POWELL, JOHN H.....	Seattle, Wash.
POWELL, WILLIAM H.....	Canton, Miss.
POWERS, FREDERICK A.....	Houlton, Me.
PRAY, CHARLES N.....	Fort Benton, Mont.
PRENTICE, E. PARMALEE.....	New York, N. Y.
PRENTIS, ROBERT R.....	Suffolk, Va.
PRESBY, W. B.....	Goldendale, Wash.
PRESTON, EDMUND R.....	Charlotte, N. C.
PRESTON, HAROLD .....	Seattle, Wash.
PRICE, GEORGE E.....	Charleston, W. Va.
PRICE, WILLIAM H.....	Marianna, Fla.
PRICHARD, FRANK P.....	Philadelphia, Pa.
PRIME, RALPH E.....	Yonkers, N. Y.
PRINCE, LEON C.....	Carlisle, Pa.
PRINDLE, EDWIN J.....	New York, N. Y.

PROCTOR, THOMAS W.....	Boston, Mass.
PROSKAUER, JOSEPH M.....	New York, N. Y.
PROUTY, CHARLES A. (Washington, D. C.)...	Newport, Vt.
PROWELL, JOEL J.....	New Orleans, La.
PRUDEN, WILLIAM D.....	Edenton, N. C.
PRUSSING, EUGENE E.....	Chicago, Ill.
PUGH, JOHN C.....	Shreveport, La.
PUJO, ARSENE P.....	Lake Charles, La.
PULSIFER, PARK B.....	Concordia, Kan.
PURCELL, J. J.....	Ortonville, Minn.
PURDY, LAWSON .....	New York, N. Y.
PURNELL, CLAYTON .....	Frostburg, Md.
PURBINGTON, WILLIAM ARCHER.....	New York, N. Y.
PUTNAM, HARRINGTON .....	New York, N. Y.
PUTNAM, WILLIAM L.....	Boston, Mass.
QUACKENBUSH, JAMES L.....	New York, N. Y.
QUAIL, FRANK A.....	Cleveland, Ohio.
QUARLES, JAMES .....	Louisville, Ky.
QUARLES, JOSEPH V. (Washington, D. C.)....	Milwaukee, Wis.
QUARTON, WILLIAM B.....	Algona, Iowa.
QUINN, JOHN .....	New York, N. Y.
QUINN, THOMAS H.....	Faribault, Minn.
QUINTERO, LAMAR G.....	New Orleans, La.
QVALE, G. E.....	Willmar, Minn.
RACKEMAN, CHARLES S.....	Boston, Mass.
RAEGENER, LOUIS C.....	New York, N. Y.
RAIN, FRANK L.....	Fairbury, Neb.
RALLS, JOSEPH G.....	Atoka, Okla.
RALSTON, JACKSON H.....	Washington, D. C.
RALSTON, ROBERT .....	Philadelphia, Pa.
RAMSEY, H. J.....	Seattle, Wash.
RAMSEY, WILLIAM R.....	Denver, Col.
RAND, WILLIAM, JR.....	New York, N. Y.
RANDALL, HENRY E.....	St. Paul, Minn.
RANDOLPH, CARMAN F. (New York, N. Y.)...	Morristown, N. J.
RANDOLPH, EDWARD H.....	Shreveport, La.
RANDOLPH, STUART F.....	New York, N. Y.
RANNEY, FLETCHER .....	Boston, Mass.
RANNEY, HENRY C.....	Cleveland, Ohio.
RATCLIFFE, CUMMINS .....	Little Rock, Ark.
RATCLIFFE, WILLIAM C.....	Little Rock, Ark.
RATHBUN, ELMER J.....	Providence, R. I.
RAWLE, FRANCIS .....	Philadelphia, Pa.
RAWLE, FRANCIS WILLIAM.....	Philadelphia, Pa.
RAY, CHARLES T.....	Louisville, Ky.



RAYNOLDS, EDWARD V.....	New Haven, Conn.
REA, S. C.....	Luverne, Minn.
READ, JAMES F.....	Fort Smith, Ark.
READ, WILLIAM L.....	Des Moines, Iowa.
REARDON, JOHN J.....	Williamsport, Pa.
RECTOR, EDWARD .....	Chicago, Ill.
REDDIN, JOHN H.....	Denver, Col.
REDDING, JOSEPH D.....	New York, N. Y.
REDDING, WILLIAM A.....	New York, N. Y.
REDFIELD, HENRY S.....	New York, N. Y.
REED, ALBERT A.....	Boulder, Col.
REED, CARL W.....	Cresco, Iowa.
REED, FRANK F.....	Chicago, Ill.
REED, H. T.....	Cresco, Iowa.
REED, WILLIAM M.....	Paducah, Ky.
REES, ALLEN F.....	Houghton, Mich.
REEVES, ALFRED G.....	New York, N. Y.
REGENNITTER, ERWIN L.....	Idaho Springs, Col.
REID, AMBROSE B.....	Pittsburgh, Pa.
REID, S. H.....	Valdez, Alaska Ter.
REID, WILLIAM C.....	Roswell, N. M.
REMICK, JAMES W.....	Concord, N. H.
REYNOLDS, ALLEN H.....	Walla Walla, Wash.
REYNOLDS, C. A.....	Seattle, Wash.
REYNOLDS, THOMAS H.....	Kansas City, Mo.
RICE, WILLIAM G.....	Deadwood, S. D.
RICE, WILLIAM E.....	Warren, Pa.
RICH, BURDETTE A.....	Rochester, N. Y.
RICH, EDSON .....	Omaha, Neb.
RICH, GEORGE F.....	Berlin, N. H.
RICH, WILLIAM G.....	Woonsocket, R. I.
RICHARDS, HARRY S.....	Madison, Wis.
RICHARDS, JAMES H.....	Boise, Ida.
RICHARDS, JOHN T.....	Chicago, Ill.
RICHARDSON, W. K.....	Boston, Mass.
RICHBERG, JOHN C.....	Chicago, Ill.
RICHMOND, BENJAMIN A.....	Cumberland, Md.
RIDDELL, HARVEY .....	Denver, Col.
RIEKE, AUGUST V.....	Fairfax, Minn.
RIGHTMIRE, GEORGE W.....	Columbus, Ohio.
RIKER, ADRIAN .....	Newark, N. J.
RIKER, SAMUEL .....	New York, N. Y.
RINAKER, JOHN I.....	Carlinville, Ill.
RINAKER, SAMUEL .....	Beatrice, Neb.
RINE, JOHN A.....	Omaha, Neb.

RINEHART, C. D.....	Jacksonville, Fla.
RINEHART, WM. V., JR.....	Seattle, Wash.
RIORDAN, DANIEL E.....	Ashland, Wis.
RITCHIE, ALBERT C.....	Baltimore, Md.
RITSHER, EDWARD C.....	Chicago, Ill.
ROBB, BAMFORD A.....	Seattle, Wash.
ROBB, CHARLES H. (Washington, D. C.).....	Bellows Falls, Vt.
ROBBINS, ALEXANDER H.....	St. Louis, Mo.
ROBBINS, CHARLES A.....	Lincoln, Neb.
ROBBINS, EDWARD D.....	New Haven, Conn.
ROBBINS, GEORGE M.....	Titusville, Fla.
ROBBINS, HENRY S.....	Chicago, Ill.
ROBBINS, JOSEPHUS EWING.....	Mayfield, Ky.
ROBERT, EDWARD S.....	St. Louis, Mo.
ROBERTS, GEORGE L.....	Boston, Mass.
ROBERTS, HARLAN P.....	Minneapolis, Minn.
ROBERTS, JOHN W.....	Seattle, Wash.
ROBERTS, OWEN J.....	Philadelphia, Pa.
ROBERTS, V. H.....	St. Louis, Mo.
ROBERTS, WILLIAM J.....	Keokuk, Iowa.
ROBERTS, WILLIAM P.....	Minneapolis, Minn.
ROBERTSON, C. D.....	Cincinnati, Ohio.
ROBERTSON, CHARLES R.....	Detroit, Mich.
ROBERTSON, FRED C.....	Spokane, Wash.
ROBERTSON, GEORGE .....	Mexico, Mo.
ROBERTSON, JAMES .....	Minneapolis, Minn.
ROBERTSON, WILLIAM GORDON.....	Roanoke, Va.
ROBINSON, FRANK W.....	Portland, Me.
ROBSON, FRANK E.....	Detroit, Mich.
ROBY, FRANK S.....	Auburn, Ind.
ROCHESTER, G. A. C.....	Seattle, Wash.
ROCKAFELLOW, J. B.....	Atlantic, Iowa.
ROCKWOOD, CHELSEA J.....	Minneapolis, Minn.
RODDY, GEORGE BLACK.....	New Bloomfield, Pa.
RODENBECK, ADOLPH J.....	Rochester, N. Y.
RODGERS, W. C.....	Nashville, Ark.
RODGERS, WILLIAM B.....	Anaconda, Mont.
ROE, GILBERT E.....	New York, N. Y.
ROGERS, EDWARD H.....	New Haven, Conn.
ROGERS, EDWARD S.....	Chicago, Ill.
ROGERS, ELMER E.....	Chicago, Ill.
ROGERS, FOSTER .....	Boston, Mass.
ROGERS, FRANK M.....	Memphis, Tenn.
ROGERS, GEORGE MILLS .....	Chicago, Ill.
ROGERS, HENRY T.....	Denver, Col.

ROGERS, HENRY WADE.....	New Haven, Conn.
ROGERS, HUBERT E.....	New York, N. Y.
ROGERS, JOHN I.....	Philadelphia, Pa.
ROGERS, L. HARDING, JR.....	New York, N. Y.
ROGERS, PLATT .....	Denver, Col.
ROGERS, ROBERT LYON.....	Baltimore, Md.
ROGERS, WALTER F.....	Washington, D. C.
ROGERS, WILLIAM P.....	Cincinnati, Ohio.
ROLLINS, THOMAS SCOTT.....	Asheville, N. C.
ROMAIN, ARMAND .....	New Orleans, La.
ROMAINE, J. W.....	Bellingham, Wash.
RONALD, J. T.....	Seattle, Wash.
RONAN, EDWARD D.....	Albany, N. Y.
ROONEY, JOHN JEROME.....	New York, N. Y.
ROOT, ELIHU (Washington, D. C.).....	New York, N. Y.
ROOT, MILO A.....	Seattle, Wash.
ROOTE, JESSE BRYAN.....	Butte, Mont.
ROSBROOK, ALDEN I.....	Northport, N. Y.
ROSE, A. J.....	Greenville, Miss.
ROSE, GEORGE B.....	Little Rock, Ark.
ROSE, J. W.....	Bellingham, Wash.
ROSE, U. M.....	Little Rock, Ark.
ROSE, WALTER T. J.....	Los Angeles, Cal.
ROSENBERG, JAMES N.....	New York, N. Y.
ROSENBERG, LOUIS J.....	Detroit, Mich.
ROSENTHAL, LESSING .....	Chicago, Ill.
ROSS, JOHN MASON.....	Prescott, Arizona Ter.
ROSSER, J. B., JR.....	New Orleans, La.
ROTHMANN, WILLIAM .....	Chicago, Ill.
ROUNDS, ARTHUR C.....	New York, N. Y.
ROUNTREE, GEORGE .....	Wilmington, N. C.
ROUSE, JOHN D.....	New Orleans, La.
ROUSE, SHELLEY D.....	Covington, Ky.
ROWE, LEO STANTON.....	Philadelphia, Pa.
ROWE, WILLIAM V.....	New York, N. Y.
ROWLETTE, THOMAS M.....	New York, N. Y.
ROZZELLE, FRANK F.....	Kansas City, Mo.
RUBENS, HARRY .....	Chicago, Ill.
RUDD, WILLIAM PLATT.....	Albany, N. Y.
RUGG, ARTHUR P.....	Worcester, Mass.
RUHL, CHRISTIAN H.....	Reading, Pa.
RUICK, NORMAN M.....	Boise, Ida.
RUMMENS, GEORGE H.....	Seattle, Wash.
RUMMLER, WILLIAM R.....	Chicago, Ill.
RUNNELLS, JOHN S.....	Chicago, Ill.

RUPE, JOHN L.....	Richmond, Ind.
RUPP, OTTO B.....	Walla Walla, Wash.
RUSH, THOMAS E.....	New York, N. Y.
RUSSELL, EDWARD L.....	Mobile, Ala.
RUSSELL, HENRY .....	Detroit, Mich.
RUSSELL, ISAAC F.....	New York, N. Y.
RUSSELL, TALCOTT, H.....	New Haven, Conn.
RUSSELL, WILLIAM HEPBURN.....	New York, N. Y.
RYAN, CHARLES G.....	Grand Island, Neb.
RYAN, O'NEILL .....	St. Louis, Mo.
RYDER, ERASTUS C.....	Bangor, Me.
RYON, OSCAR B.....	Streator, Ill.
RYON, WILLIAM W.....	Shamokin, Pa.
SABIN, FRED A.....	La Junta, Col.
SABIN, LELAND H.....	Battle Creek, Mich.
SACKETT, HENRY W.....	New York, N. Y.
SAGE, DEAN .....	New York, N. Y.
ST. PAUL, JOHN.....	New Orleans, La.
SALTZGABER, GAYLARD M.....	Van Wert, Ohio.
SAMUELS, SIDNEY L.....	Fort Worth, Tex.
SANBORN, A. L.....	Madison, Wis.
SANBORN, EDWARD P.....	St. Paul, Minn.
SANBORN, FREDERICK H.....	New York, N. Y.
SANBORN, JOHN BELL.....	Madison, Wis.
SANBORN, WALTER H.....	St. Paul, Minn.
SANDERS, J. O.....	Gulfport, Miss.
SANDERS, J. Y.....	Baton Rouge, La.
SANDERS, L. P.....	Butte, Mont.
SANDERS, W. B.....	Cleveland, Ohio..
SANER, ROBERT E. LEE.....	Dallas, Tex.
SANFORD, EDWARD T. (Washington, D. C.)....	Knoxville, Tenn.
SANFORD, FERDINAND V.....	Warwick, N. Y.
SAULSBURY, WILLARD .....	Wilmington, Del.
SAUNDERS, EUGENE D.....	New Orleans, La.
SAUNDERS, ROBERT C.....	Seattle, Wash.
SAUTER, L. E.....	Chicago, Ill.
SAVAGE, ALBERT R.....	Auburn, Me.
SAVERY, C. D.....	Tacoma, Wash.
SAWYER, ALFRED P.....	Lowell, Mass.
SAWYER, CLARENCE E.....	Brunswick, Me.
SAWYER, HAZEN I.....	Keokuk, Iowa.
SAXE, JOHN W.....	Boston, Mass.
SAYLER, JOHN RYNER.....	Cincinnati, Ohio.
SAYLER, SAMUEL M.....	Huntington, Ind.
SCAIFE, LAURISTON L.....	Boston, Mass.

SCALLON, WILLIAM .....	Butte, Mont.
SCANDRETT, HENRY A.....	Topeka, Kan.
SCHAFER, WILLIAM I.....	Chester, Pa.
SCHAFFNER, WALTER .....	Seattle, Wash.
SCHAICH, JOHN G.....	Kansas City, Mo.
SCHIAPPACASSE, JOSEPH T.....	Detroit, Mich.
SCHMUCKER, SAMUEL D.....	Baltimore, Md.
SCHNABEL, CHARLES J.....	Portland, Ore.
SCHNUBMACHER, BENJAMIN .....	St. Louis, Mo.
SCHOFIELD, F. L.....	Hannibal, Mo.
SCHOFIELD, WILLIAM .....	Malden, Mass.
SCHOULER, JAMES .....	Intervale, N. H.
SCHURZ, CARL L.....	New York, N. Y.
SCHWARTZ, SYDNEY A.....	Titusville, Pa.
SCOTT, ALEXANDER Y.....	Rosedale, Miss.
SCOTT, CHARLES .....	Rosedale, Miss.
SCOTT, FRANK H.....	Chicago, Ill.
SCOTT, HENRY W.....	New York, N. Y.
SCOTT, HOWARD B.....	Danbury, Conn.
SCOTT, JAMES BROWN (Washington, D. C.)...	Campaign, Ill.
SCOTT, JAMES L.....	Saratoga Springs, N. Y.
SCOTT, JOSEPH .....	Los Angeles, Cal.
SCOTT, N. B.....	Lake Village, Ark.
SCOVILLE, SAMUEL, JR.....	Philadelphia, Pa.
SEABROOK, PAUL E. (Savannah, Ga.).....	Pineora, Ga.
SEABURY, HOWARD .....	Sedro-Woolley, Wash.
SEAMAN, WILLIAM H.....	Sheboygan, Wis.
SEARCY, WILLIAM W.....	Brenham, Tex.
SEARLS, CHARLES E.....	Putnam, Conn.
SEARS, NATHANIEL C.....	Chicago, Ill.
SEARS, RUSSELL A.....	Boston, Mass.
SEATON, EMMETT .....	Richmond, Va.
SEDGWICK, SAMUEL H.....	York, Neb.
SEEVERS, GEORGE W.....	Minneapolis, Minn.
SEIBERT, WILLIAM N.....	New Bloomfield, Pa.
SEIDERS, GEORGE M.....	Portland, Me.
SELDEN, JOHN .....	Washington, D. C.
SELHEIMER, HENRY C.....	Birmingham, Ala.
SELLERS, EMOBY B.....	Monticello, Ind.
SELLING, BERNARD B.....	Detroit, Mich.
SEMPLE, OLIVER C.....	New York, N. Y.
SETTLE, WARNER ELLMORE.....	Bowling Green, Ky.
SEVERANCE, CORDENIO A.....	St. Paul, Minn.
SEWELL, HAROLD M.....	Bath, Me.
SEXTON, JAMES S.....	Hazlehurst, Miss.

SEXTON, LAWRENCE E.....	New York, N. Y.
SEXTON, PLINY T.....	Palmyra, N. Y.
SEYMOUR, HENRY A.....	Washington, D. C.
SEYMOUR, HENRY H.....	Buffalo, N. Y.
SEYMOUR, ORIGEN STORRS.....	New York, N. Y.
SHACKELFORD, JOHN A.....	Tacoma, Wash.
SHAFFER, C. WILL.....	Olympia, Wash.
SHAFROTH, JOHN F.....	Denver, Col.
SHANDS, A. W.....	Sardis, Miss.
SHANK, CORWIN S.....	Seattle, Wash.
SHARP, GEORGE M.....	Baltimore, Md.
SHARP, J. F.....	Purcell, Okla.
SHARPSTEIN, JOHN L.....	Walla Walla, Wash.
SHAW, FRANK W.....	Minneapolis, Minn.
SHEAR, B. D.....	Oklahoma City, Okla.
SHEARER, JAMES D.....	Minneapolis, Minn.
SHEEAN, JAMES B.....	St. Paul, Minn.
SHEEAN, JAMES M.....	Chicago, Ill.
SHEEHAN, WILLIAM F.....	New York, N. Y.
SHELBY, DAVID D.....	Huntsville, Ala.
SHELDON, EDWARD W.....	New York, N. Y.
SHELTON, GEORGE F.....	Butte, Mont.
SHELTON, THOMAS WALL.....	Norfolk, Va.
SHEPARD, CHARLES E.....	Seattle, Wash.
SHEPARD, EDWARD M.....	New York, N. Y.
SHEPARD, HARVEY N.....	Boston, Mass.
SHEPARD, STUART G.....	Chicago, Ill.
SHEPLEY, ARTHUR B.....	St. Louis, Mo.
SHERIDAN, HARRY C.....	Frankfort, Ind.
SHERIFF, ANDREW R.....	Chicago, Ill.
SHERLEY SWAGAR .....	Louisville, Ky.
SHERMAN, E. B.....	Chicago, Ill.
SHERMAN, GORDON E.....	Morristown, N. J.
SHERMAN, ROLAND G.....	Boston, Mass.
SHERMAN, STERLING S.....	Montrose, Col.
SHERWIN, JOHN C.....	Mason City, Iowa.
SHIELDS, GEORGE H.....	St. Louis, Mo.
SHIELDS, JAMES M.....	Pittsburgh, Pa.
SHIPMAN, GEORGE M.....	Belvidere, N. J.
SHIPPEN, JOSEPH .....	Seattle, Wash.
SHIRAS, GEORGE, JR. (Washington, D. C.) .....	Pittsburg, Pa.
SHIRAS, OLIVER P.....	Dubuque, Iowa.
SHOEMAKER, HERBERT BRODISH.....	New York, N. Y.
SHOPE, SIMEON P.....	Chicago, Ill.
SIDDONS, FREDERICK LINCOLN.....	Washington, D. C.

SIDLEY, WILLIAM P.....	Chicago, Ill.
SILBER, FREDERICK D.....	Chicago, Ill.
SILKMAN, THEODORE HANNIBAL.....	New York, N. Y.
SIMMS, DAN W.....	Lafayette, Ind.
SIMONTON, F. M.....	Tampa, Fla.
SIMPSON, ALEXANDER, JR.....	Philadelphia, Pa.
SIMPSON, DAVID F.....	Minneapolis, Minn.
SIMPSON, S. J.....	Spartanburg, S. C.
SIMS, EDWIN W.....	Chicago, Ill.
SIMS, JAMES CASWELL.....	Bowling Green, Ky.
SIVLEY, CLARENCE L.....	Memphis, Tenn.
SKELTON, WILLIAM B.....	Lewiston, Me.
SKINNER, EDWARD K.....	New Orleans, La.
SKULASON, B. G.....	Grand Forks, N. D.
SLOAN, D. LINDLEY.....	Cumberland, Md.
SLOCUM, EDWARD T.....	Pittsfield, Mass.
SLOCUM, GEORGE FORT.....	Rochester, N. Y.
SLOCUM, WINFIELD S.....	Boston, Mass.
SILOMAN, ADOLPH .....	Detroit, Mich.
SLONECKER, J. G.....	Topeka, Kan.
SMALL, CHARLES E.....	Kansas City, Mo.
SMALL, CHARLES O.....	Madison, Me.
SMALL, FRANK J.....	Waterville, Me.
SMEAD, A. D. B.....	Carlisle, Pa.
SMEDES, JOHN MARSHALL.....	Cincinnati, Ohio.
SMITH, A. G.....	Birmingham, Ala.
SMITH, ALEX. W., SR.....	Atlanta, Ga.
SMITH, ALFRED PERCIVAL.....	Philadelphia, Pa.
SMITH, BERTRAM L.....	Patten, Me.
SMITH, BURTON .....	Atlanta, Ga.
SMITH, CHARLES BLOOD.....	Topeka, Kan.
SMITH, CHARLES W.....	Indianapolis, Ind.
SMITH, CHARLES WESLEY.....	Seattle, Wash.
SMITH, CHARLES W.....	Stockton, Kan.
SMITH, D. F.....	Kalispell, Mont.
SMITH, EDWARD E.....	Minneapolis, Minn.
SMITH, FRANK BULKELEY.....	Worcester, Mass.
SMITH, FRANK SULLIVAN.....	New York, N. Y.
SMITH, FREDERICK A.....	Chicago, Ill.
SMITH, GEORGE H.....	Salt Lake City, Utah.
SMITH, GREGORY L.....	Mobile, Ala.
SMITH, HARVEY F.....	Clarksburg, W. Va.
SMITH, HENRY C.....	Adrian, Mich.
SMITH, HENRY E.....	Nashville, Tenn.
SMITH, HENRY HYDE.....	Boston, Mass.

SMITH, HOWARD B.....	Omaha, Neb.
SMITH, ISHAM N.....	Lewiston, Idaho.
SMITH, JEREMIAH, JR.....	Boston, Mass.
SMITH, JOHN DAY.....	Minneapolis, Minn.
SMITH, JOHN G.....	Saco, Me.
SMITH, JOHN R.....	Denver, Col.
SMITH, LUTHER ELY.....	St. Louis, Mo.
SMITH, LUTHER R.....	Washington, D. C.
SMITH, LYNDON A.....	Montevideo, Minn.
SMITH, MILTON W.....	Portland, Ore.
SMITH, NATHANIEL STEVENS.....	New York, N. Y.
SMITH, NELSON .....	New York, N. Y.
SMITH, PLINY B.....	Chicago, Ill.
SMITH, REUEL W.....	Auburn, Me.
SMITH, ROBERT H.....	Baltimore, Md.
SMITH, ROBERT T.....	Nashville, Tenn.
SMITH, RUFUS B.....	Cincinnati, Ohio.
SMITH, SAMUEL BOSWORTH.....	Chattanooga, Tenn.
SMITH, SAM. FERRY.....	San Diego, Cal.
SMITH, SYDNEY .....	Jackson, Miss.
SMITH, THOMAS KILBY.....	Philadelphia, Pa.
SMITH, VICTOR LAMAR.....	Atlanta, Ga.
SMITH, WALTER GEORGE.....	Philadelphia, Pa.
SMITH, WILLIAM B.....	Little Rock, Ark.
SMITH, WILLIAM M.....	St. Johns, Mich.
SMITH, WILLIAM O.....	Honolulu, H. T.
SMITH, WILLIS B.....	Richmond, Va.
SMITH, WINFIELD R.....	Seattle, Wash.
SMITHERS, WILLIAM W.....	Philadelphia, Pa.
SMYTHE, AUGUSTINE T.....	Charleston, S. C.
SNARE, JACOB .....	Philadelphia, Pa.
SNELL, MARSHALL K.....	Tacoma, Wash.
SNODDY, JAMES A.....	Seattle, Wash.
SNODGRASS, ROBERT .....	Harrisburg, Pa.
SNOOK, HERBERT E.....	Seattle, Wash.
SNOW, ALPHEUS H.....	Washington, D. C.
SNOW, DAVID W.....	Portland, Me.
SNYDER, CHARLES M.....	Fowler, Ind.
SNYDER, EDGAR C.....	Seattle, Wash.
SNYDER, F. B.....	Minneapolis, Minn.
SNYDER, WILSON I.....	Salt Lake City, Utah.
SOMERVILLE, THOMAS H.....	Oxford, Miss.
SOMERVILLE, W. B.....	New Orleans, La.
SOMPAYRAC, PAUL AMBROSE.....	New Orleans, La.



SOUTHARD, LOUIS C.....	Boston, Mass.
SPALDING, BURLEIGH FOLSOM.....	Fargo, N. D.
SPEAR, ELLIS .....	Washington, D. C.
SPEARING, J. ZACH.....	New Orleans, La.
SPEER, EMORY (Macon, Ga.).....	Mt. Airy, Ga.
SPEIR, GILBERT M.....	New York, N. Y.
SPENCER, CHARLES C.....	Monticello, Ind.
SPENCER, SELDEN P.....	St. Louis, Mo.
SPIEGELBERG, EUGENE E.....	New York, N. Y.
SPOONER, CHARLES P.....	Seattle, Wash.
SPOONER, JOHN C.....	New York, N. Y.
SPOONER, LEWIS C.....	Morris, Minn.
SPOONTS, M. A.....	Fort Worth, Tex.
SPRING, ARTHUR L.....	Boston, Mass.
SQUIRE, ANDREW .....	Cleveland, Ohio.
STAAKE, WILLIAM H.....	Philadelphia, Pa.
STAFFORD, W. H.....	Chippewa Falls, Wis.
STANTON, LEWIS E.....	Hartford, Conn.
STARK, JOSHUA .....	Milwaukee, Wis.
STARR, MERRITT .....	Chicago, Ill.
STAYTON, JOSEPH M.....	Newport, Ark.
STEARNS, ARETAS E.....	Rumford Falls, Me.
STEDMAN, LIVINGSTON B.....	Seattle, Wash.
STEELE, HENRY J.....	Easton, Pa.
STEELE, JOHN H.....	Minneapolis, Minn.
STEELE, ROBERT W.....	Denver, Col.
STEEN, J. M.....	Memphis, Tenn.
STEPHENS, H. M.....	Spokane, Wash.
STEPHENS, REDMOND D.....	Chicago, Ill.
STERLING, THOMAS .....	Vermillion, S. D.
STERN, JO. LANE.....	Richmond, Va.
STERN, PHILIP H.....	Montgomery, Ala.
STERNE, SAMUEL R.....	Spokane, Wash.
STERRETT, JAMES R.....	Pittsburgh, Pa.
STETSON, FRANCIS LYNDE.....	New York, N. Y.
STEUART, ARTHUR .....	Baltimore, Md.
STEVENS, FREDERICK W.....	New York, N. Y.
STEVENS, JOHN S.....	Peoria, Ill.
STEVENSON, ARCHIE M.....	Denver, Col.
STEVENSON, ELMER E.....	Indianapolis, Ind.
STEVENSON, EUGENE .....	Paterson, N. J.
STEVENSON, L. C.....	Tacoma, Wash.
STEVICK, GUY LE ROY.....	Denver, Col.
STEWART, GILBERT H.....	Columbus, Ohio.
STEWART, ROBERT W.....	Chicago, Ill.

STEWART, RUSSELL C.....	Easton, Pa.
STEWART, W. F. BAY.....	York, Pa.
STEWART, WILLIAM M., JR.....	Philadelphia, Pa.
STIER, JOSEPH F.....	New York, N. Y.
STILLMAN, HERMAN W.....	Chicago, Ill.
STILLMAN, WALTER S. (Omaha, Neb.).....	Council Bluffs, Iowa
STILLWELL, JAMES C.....	Philadelphia, Pa.
STIPP, HARLEY H.....	Des Moines, Iowa.
STIVERS, FRANK A.....	Ann Arbor, Mich.
STOCKBRIDGE, HENRY .....	Baltimore, Md.
STODDARD, ELLIOTT J.....	Detroit, Mich.
STODDARD, JOHN M.....	New York, N. Y.
STOEHR, OSCAR .....	Cincinnati, Ohio.
STOEVE, WILLIAM C.....	Philadelphia, Pa.
STOKELY, J. T.....	Birmingham, Ala.
STOKES, GORDON .....	Nashville, Tenn.
STOLL, RICHARD C.....	Lexington, Ky.
STONE, FREDERIC M.....	Boston, Mass.
STONE, HENRY L.....	Louisville, Ky.
STONE, JOHN W.....	Marquette, Mich.
STONE, R. A.....	St. Paul, Minn.
STORRS, HENRY E.....	Los Angeles, Cal.
STOREY, MOORFIELD .....	Boston, Mass.
STORY, HAMPDEN .....	Crowley, La.
STOUGHTON, A. B.....	Philadelphia, Pa.
STOVALL, A. T.....	Okalona, Miss.
STRATTON, W. B.....	Seattle, Wash.
STRAUS, OSCAR .....	Des Moines, Iowa.
STRAUSS, CHARLES .....	New York, N. Y.
STRAWN, SILAS H.....	Chicago, Ill.
STREET, ROBERT G.....	Galveston, Tex.
STREET, THOMAS A.....	Columbia, Mo.
STREETER, FRANK S.....	Concord, N. H.
STRICKER, SIDNEY G.....	Cincinnati, Ohio.
STRICKLAND, JOHN J.....	Athens, Ga.
STRINGER, EDWARD C.....	St. Paul, Minn.
STROH, CHARLES C.....	Harrisburg, Pa.
STRONG, ALAN H.....	New Brunswick, N. J.
STRONG, EDWARD W.....	Cincinnati, Ohio.
STRYKER, JOHN E.....	St. Paul, Minn.
STUART, WILLIAM V.....	Lafayette, Ind.
STUBBS, FRANK P., JR.....	Monroe, La.
STURGES, RALPH A.....	New York, N. Y.
STURTEVANT, CHARLES L.....	Washington, D. C.
SUGGETT, JOHN W.....	Cortland, N. Y.

SULLIVAN, FRANCIS W.....	Duluth, Minn.
SULLIVAN, J. J.....	Pensacola, Fla.
SULLIVAN, WILLIAM C.....	Washington, D. C.
SULZBERGER, MAYER .....	Philadelphia, Pa.
SUMERWELL, E. K.....	New York, N. Y.
SUMNER, EDWARD A.....	New York, N. Y.
SURRATT, WILLIAM H.....	Baltimore, Md.
SUTHERLIN, E. W.....	Shreveport, La.
SUTRO, THEODORE .....	New York, N. Y.
SWAIN, ROGER DYER (Boston, Mass.).....	Cambridge, Mass.
SWAN, CHARLES H.....	Boston, Mass.
SWAN, ELBERT M.....	Rockport, Ind.
SWAN, WILLIAM W.....	Boston, Mass.
SWANEY, W. B.....	Chattanooga, Tenn.
SWARTS, SOLOMON L.....	St. Louis, Mo.
SWASEY, GEORGE R.....	Boston, Mass.
SWASEY, JOHN P. (Washington, D. C.).....	Canton, Me.
SWAYZE, FRANCIS J.....	Newark, N. J.
SWEARINGEN, J. M.....	Pittsburgh, Pa.
SWETTING, ERNEST V.....	Algona, Iowa.
SWIFT, CHARLES M.....	Detroit, Mich.
SYME, CONRAD H.....	Washington, D. C.
SYMONDS, JOSEPH W.....	Portland, Me.
SYNNESTVEDT, PAUL .....	Pittsburgh, Pa.
TAFT, ELIHU B.....	Burlington, Vt.
TAFT, FREDERICK L.....	Cleveland, Ohio.
TAFT, GEORGE S.....	Worcester, Mass.
TAFT, WILLIAM H. (Washington, D. C.).....	Cincinnati, Ohio.
TAGGART, EDWARD .....	Grand Rapids, Mich.
TAGGART, EDWARD T.....	Portland, Ore.
TAGGART, GANSON .....	Grand Rapids, Mich.
TAGGART, W. RUSH .....	New York, N. Y.
TAIT, HUGH A.....	Seattle, Wash.
TALBOT, THOMAS L.....	Portland, Me.
TALLMAN, BOYD J.....	Seattle, Wash.
TANNER, W. V.....	Seattle, Wash.
TANZER, LAURENCE ARNOLD.....	New York, N. Y.
TAPPAN, J. B. COLES.....	New York, N. Y.
TATUM, LOUIS R.....	Denver, Col.
TAULANE, JOSEPH H.....	Philadelphia, Pa.
TAUSSIG, JAMES .....	St. Louis, Mo.
TAWNEY, JAMES A.....	Winona, Minn.
TAYLOR, A. E.....	Huron, S. D.
TAYLOR, BENJAMIN .....	Mankato, Minn.
TAYLOR, FREDERICK C.....	Stamford, Conn.

TAYLOR, HANNIS .....	Washington, D. C.
TAYLOR, HOWARD .....	New York, N. Y.
TAYLOR, JOHN ROBERT.....	New York, N. Y.
TAYLOR, JOSEPH T.....	Philadelphia, Pa.
TAYLOR, R. S.....	Fort Wayne, Ind.
TAYLOR, SENECA N.....	St. Louis, Mo.
TAYLOR, THOMAS, JR.....	Chicago, Ill.
TAYLOR, WALTER F.....	New York, N. Y.
TEAL, JOSEPH U.....	Portland, Ore.
TEARS, DANIEL W.....	Denver, Col.
TEBBETTS, WILLIAM B.....	Denver, Col.
TELLER, JOHN D.....	Auburn, N. Y.
TENNANT, ALBERT J.....	Seattle, Wash.
TENNANT, W. B.....	Richmond, Va.
TENNEY, HORACE KENT.....	Chicago, Ill.
TERHUNE, R. S.....	Seattle, Wash.
TERRELL, WILLIAM J.....	Burlington, N. J.
TERRIBERRY, GEORGE HUTCHINS.....	New Orleans, La.
TERRY, CHARLES THADDEUS.....	New York, N. Y.
TERRY, J. W.....	Galveston, Tex.
THACHER, ARCHIBALD G.....	New York, N. Y.
THACHER, THOMAS .....	New York, N. Y.
THAYER, EZRA R.....	Boston, Mass.
THAYER, RUFUS C.....	Goldfield, Nev.
THEARD, CHARLES J.....	New Orleans, La.
THEARD, GEORGE HENRY.....	New Orleans, La.
THIAN, LOUIS R.....	Minneapolis, Minn.
THILBORGER, EDWARD J.....	New Orleans, La.
THOM, ALFRED P.....	Washington, D. C.
THOM, CORCORAN .....	Washington, D. C.
THOMAS, CHARLES S.....	Denver, Col.
THOMAS, EDWIN S.....	New Haven, Conn.
THOMAS, FRANK B.....	New Orleans, La.
THOMAS, GUS .....	Mayfield, Ky.
THOMAS, JOHN P., JR.....	Columbia, S. C.
THOMAS, MORRIS ST. PALAIS.....	Chicago, Ill.
THOMAS, SAMUEL HINDS.....	Philadelphia, Pa.
THOMAS, W. H.....	Leeds, N. D.
THOMAS, WILLIAM H.....	Montgomery, Ala.
THOMASON, E. B.....	Richmond, Va.
THOMASON, FRANK D.....	Chicago, Ill.
THOMPSON, A. M.....	Pittsburgh, Pa.
THOMPSON, BENJAMIN .....	Portland, Me.
THOMPSON, CHARLES T.....	Minneapolis, Minn.
THOMPSON, R. H.....	Jackson, Miss.

THOMPSON, SAMUEL G.....	Philadelphia, Pa.
THOMPSON, WILLIAM B.....	St. Louis, Mo.
THOMPSON, WILLIAM H.....	Grand Island, Neb.
THOMPSON, WILLIAM P.....	Belfast, Me.
THORGRINSON, O. B.....	Seattle, Wash.
THORNE, CLIFFORD .....	Washington, Iowa.
THORNE, SAMUEL, JR.....	New York, N. Y.
THORNTON, CHARLES S.....	Chicago, Ill.
THORNTON, HOWARD A.....	Grand Rapids, Mich.
THORNTON, J. R.....	Alexandria, La.
THORNTON, ROBERT A.....	Lexington, Ky.
THROCKMORTON, ARCHIBALD HALL.....	Danville, Ky.
THUM, WILLIAM WARWICK.....	Louisville, Ky.
THURSTON, JOHN M.....	Washington, D. C.
THURSTON, WILMARTH H.....	Providence, R. I.
THYGESON, N. M.....	St. Paul, Minn.
TICE, DAVID .....	Lockport, N. Y.
TICHENOR, CHARLES O.....	Kansas City, Mo.
TIFFANY, FRANCIS B.....	St. Paul, Minn.
TIFFT, ARTHUR P.....	Portland, Ore.
TIGHE, AMBROSE .....	St. Paul, Minn.
TILLINGHAST, FRANK W.....	Providence, R. I.
TILLINGHAST, JAMES .....	Providence, R. I.
TILLINGHAST, WILLIAM R.....	Providence, R. I.
TILLMAN, A. M.....	Nashville, Tenn.
TILLMAN, JOHN P.....	Birmingham, Ala.
TIMBERLAKE, FREMONT E.....	Portland, Me.
TIPPETT, RICHARD B.....	Baltimore, Md.
TITUS, FRANK .....	Kansas City, Mo.
TITUS, H. L.....	San Diego, Cal.
TOBIN, JOHN F.....	New Orleans, La.
TODD, ELMER E.....	Seattle, Wash.
TODD, M. HAMPTON.....	Philadelphia, Pa.
TOLLES, SHELDON H.....	Cleveland, Ohio.
TOLMAN, EDGAR B.....	Chicago, Ill.
TOLMAN, FRANK .....	Paynesville, Minn.
TOMLIN, JOHN G.....	Walton, Ky.
TOMPKINS, HAMILTON B.....	New York, N. Y.
TOMPSON, EDWARD F.....	Portland, Me.
TOOMER, W. M.....	Jacksonville, Fla.
TOTTEN, WM. D.....	Seattle, Wash.
TOWLE, HENRY S.....	Chicago, Ill.
TOWNES, JOHN C.....	Austin, Tex.
TOWNES, WILLIAM A.....	Wilmington, N. C.
TOWNSEND, CHARLES C.....	Philadelphia, Pa.

TRABUE, EDMUND F.....	Louisville, Ky.
TRACEY, BENJAMIN F.....	New York, N. Y.
TRASK, WALTER J.....	Los Angeles, Cal.
TRAXLER, CHARLES J.....	Minneapolis, Minn.
TREFETHEN, D. B.....	Seattle, Wash.
TREMAIN, HENRY EDWIN.....	New York, N. Y.
TREMPER, H. S.....	Seattle, Wash.
TRENHOLM, FRANK .....	New York, N. Y.
TRICKETT, WILLIAM .....	Carlisle, Pa.
TRIEBER, JACOB .....	Little Rock, Ark.
TRIMBLE, WILLIAM P.....	Seattle, Wash.
TRIPP, BARTLETT .....	Yankton, S. D.
TRIPP, WILLIAM M.....	Wells, Me.
TRIPPET, OSCAR A.....	Los Angeles, Cal.
TROTT, JOSEPH M.....	Bath, Me.
TROWBRIDGE, HENRY .....	Colorado Springs, Col.
TROY, P. M.....	Olympia, Wash.
TEYON, CHARLES J.....	Minneapolis, Minn.
TUCKER, CHARLES COWLES.....	Washington, D. C.
TUCKER, GEORGE F.....	Boston, Mass.
TUCKER, HENRY ST. GEORGE.....	Lexington, Va.
TUCKER, WILMON .....	Seattle, Wash.
TURNER, FRANK G.....	Baltimore, Md.
TURNER, GEORGE .....	Spokane, Wash.
TURNER, HARRY R.....	Fargo, N. D.
TURNER, JESSE .....	Van Buren, Ark.
TURNER, L. T.....	Seattle, Wash.
TURNER, LEVI .....	Portland, Me.
TURNER, ROBERT WILSON.....	Mankato, Kan.
TURNER, SMITH D.....	Parkersburg, W. Va.
TURNER, W. J.....	Milwaukee, Wis.
TURNER, WILLIAM JAY.....	Philadelphia, Pa.
TURPIN, REES .....	Kansas City, Mo.
TURRELL, EDGAR A.....	New York, N. Y.
TUTHILL, HARRY B.....	Michigan City, Ind.
TUTTLE, J. BIRNEY.....	New Haven, Conn.
TWITCHELL, LAFAYETTE .....	Denver, Col.
TYE, JOHN L.....	Atlanta, Ga.
TYLER, CHARLES H.....	Boston, Mass.
UELAND, A .....	Minneapolis, Minn.
ULLMANN, FREDERIC .....	Chicago, Ill.
UMBEL, ROBERT E.....	Uniontown, Pa.
UNDERWOOD, ARTHUR W.....	Chicago, Ill.
URION, ALFRED R.....	Chicago, Ill.
VAILLE, JOEL F.....	Denver, Col.

VAN ALLEN, JOHN W.....	Buffalo, N. Y.
VANAMEE, WILLIAM .....	Newburgh, N. Y.
VAN BUSKIRK, DEWITT.....	Bayonne, N. J.
VANCE, WILLIAM R.....	Washington, D. C.
VAN CISE, EDWIN.....	Denver, Col.
VAN CLEEF, JAMES H.....	New Brunswick, N. J.
VANDEMAN, JOHN N.....	Dayton, Ohio.
VAN DERLIP, JOHN R.....	Minneapolis, Minn.
VANDERVORT, JAMES W.....	Parkersburg, W. Va.
VAN DEVANTER, WILLIS .....	Cheyenne, Wyo.
VAN DEVENTER, HORACE .....	Knoxville, Tenn.
VAN DUSEN, JAMES H.....	Omaha, Neb.
VAN DYKE, GEORGE D.....	Milwaukee, Wis.
VAN DYKE, HENRY S.....	Los Angeles, Cal.
VAN DYKE, WILLIAM D.....	Milwaukee, Wis.
VAN ETEN, JOHN G.....	Kingston, N. Y.
VAN EVEREN, HORACE.....	Cambridge, Mass.
VAN ORSDER, JOSIAH A.....	Washington, D. C.
VAN SINDEREN, HOWARD.....	New York, N. Y.
VAN SLYCK, GEORGE W.....	New York, N. Y.
VAN WINKLE, W. W.....	Parkersburg, W. Va.
VAN ZANTE, JOHN.....	Portland, Ore.
VARIAN, CHARLES S.....	Salt Lake City, Utah.
VATES, WILLIAM B.....	Pueblo, Col.
VEEDER, HENRY .....	Chicago, Ill.
VERNON, IRVING E.....	Portland, Me.
VERBILL, HARRY M.....	Portland, Me.
VERTREES, JOHN J.....	Nashville, Tenn.
VESEY, ALLEN J.....	Fort Wayne, Ind.
VESEY, WILLIAM J.....	Fort Wayne, Ind.
VIEU, HENRY A.....	New York, N. Y.
VILLARD, HAROLD G.....	New York, N. Y.
VINCENT, WILLIAM H.....	Boston, Mass.
VINEYARD, J. J.....	Kansas City, Mo.
VIRGIN, HARRY RUSH.....	Portland, Me.
VITI, MARCEL A.....	Philadelphia, Pa.
VOIGT, JOHN F., JR.....	Mattoon, Ill.
VON MOSCHZISKE, ROBERT.....	Philadelphia, Pa.
VOORHEES, C. S.....	Spokane, Wash.
VOORHEES, HARVEY C.....	Boston, Mass.
VOORHEES, JOHN H.....	Sioux Falls, S. D.
VOORHEES, REESE H.....	Spokane, Wash.
VOORHEES, WILLARD P.....	New Brunswick, N. J.
VOEYS, ARTHUR I.....	Lancaster, Ohio.
VBOMAN, CHARLES E.....	Chicago, Ill.

VROOM, GARRET D. W.....	Trenton, N. J.
WADE, M. J.....	Iowa City, Iowa.
WADHAMS, FREDERICK E.....	Albany, N. Y.
WAGGENER, BALIE P.....	Atchison, Kan.
WAGGENER, WILLIAM P.....	Atchison, Kan.
WAGNER, E. E.....	Alexandria, S. D.
WAGNER, HUGH K.....	St. Louis, Mo.
WAGUESPACK, W. J.....	New Orleans, La.
WAIT, HARRY H.....	Detroit, Mich.
WAITE, EDWARD F.....	Minneapolis, Minn.
WAKEFIELD, WILLIAM J. C.....	Spokane, Wash.
WAKELEY, ELEAZER .....	Omaha, Neb.
WALDO, BENJAMIN T.....	New Orleans, La.
WALDO, GEORGE E.....	New York, N. Y.
WALDO, JOHN F. C.....	New Orleans, La.
WALKER, ALBERT H.....	New York, N. Y.
WALKER, PAUL E.....	Topeka, Kan.
WALKER, PLATT D.....	Raleigh, N. C.
WALKER, ROBERT F.....	St. Louis, Mo.
WALKER, THOMPSON B.....	New Orleans, La.
WALL, GEORGE W.....	Du Quoin, Ill.
WALL, ISAAC D.....	Clinton, La.
WALL, WILLIAM WINANS.....	New Orleans, La.
WALLACE, THOMAS F.....	Minneapolis, Minn.
WALLER, CLAUDE .....	Nashville, Tenn.
WALLING, STUART D.....	Denver, Col.
WALLINGFORD, JOHN D.....	Des Moines, Iowa.
WALSH, ARTHUR R.....	New York, N. Y.
WALSH, JAMES A.....	Helena, Mont.
WALSH, MARK A.....	Clinton, Iowa.
WALSH, R. JAY.....	Greenwich, Conn.
WALSH, T. J.....	Helena, Mont.
WALSH, VINCENT J.....	Chicago, Ill.
WALSH, WILLIAM E.....	Cumberland, Md.
WALTER, LUTHER M. (Wash., D. C.).....	Louisa, Ky.
WALTER, MOSES R.....	Baltimore, Md.
WALTHER, LAMBERT E.....	St. Louis, Mo.
WALTON, CLIFFORD S.....	Washington, D. C.
WALTON, HENRY F.....	Philadelphia, Pa.
WALTON, J. F.....	New Orleans, La.
WAMBAUGH, EUGENE .....	Cambridge, Mass.
WARD, BENJAMIN G.....	Portland, Me.
WARD, HAMILTON .....	Buffalo, N. Y.
WARD, HENRY GALBRAITH.....	New York, N. Y.
WARD, HENRY M.....	New York, N. Y.



WARD, HERBERT H.....	Wilmington, Del.
WARFIELD, EDWIN .....	Baltimore, Md.
WARNER, CHARLES E.....	Fort Smith, Ark.
WARNER, DONALD T.....	Salisbury, Conn.
WARNER, HENRY E.....	Boston, Mass.
WARNER, JAMES HAROLD.....	New York, N. Y.
WARNER, JOHN DEWITT.....	New York, N. Y.
WARNER, JOSEPH B.....	Boston, Mass.
WARNER, STANLEY CLARK .....	Denver, Col.
WARREN, EDWARD H.....	Boston, Mass.
WARREN, SAMUEL D.....	Boston, Mass.
WARRINGTON, JOHN W.....	Cincinnati, Ohio.
WARVELLE, GEORGE W.....	Chicago, Ill.
WASHBURN, JED L.....	Duluth, Minn. .
WASHBURN, WILLIAM D.....	Chicago, Ill.
WATERMAN, CHARLES W.....	Denver, Col.
WATERS, ASA W.....	Cambridge, Mass.
WATERS, J. S. T.....	Baltimore, Md.
WATERS, LOUIS L.....	Syracuse, N. Y.
WATKINS, DAVID O.....	Woodbury, N. J.
WATKINS, JOHN T. (Wash., D. C.) .....	Minden, La.
WATROUS, GEORGE T.....	New Haven, Conn.
WATSON, ARCHIBALD ROBINSON.....	New York, N. Y.
WATSON, DAVID THOMPSON.....	Pittsburgh, Pa.
WATSON, JAMES T.....	Duluth, Minn.
WATSON, WILLIAM H.....	Pensacola, Fla.
WATTERSON, A. V. D.....	Pittsburgh, Pa.
WATTS, LEIGH R.....	Portsmouth, Va.
WATTS, MILLARD F.....	St. Louis, Mo.
WAY, WILLIAM A.....	Pittsburgh, Pa.
WEADOCK, THOMAS A. E.....	Detroit, Mich.
WEAKLEY, SAMUEL D.....	Birmingham, Ala.
WEAR, GEORGE .....	Columbia, La.
WEATHERLY, JAMES .....	Birmingham, Ala.
WEAVER, JAMES B., JR.....	Des Moines, Iowa.
WEAVER, JOHN .....	Philadelphia, Pa.
WEBB, HOWARD C.....	New Haven, Conn.
WEBB, JAMES H.....	New Haven, Conn.
WEBB, RICHARD .....	Portland, Me.
WEBB, WILLOUGHBY LANE.....	New York, N. Y.
WEBBER, GEORGE CURTIS.....	Auburn, Me.
WEBBER, MARSHALL B.....	Winona, Minn.
WEBSTER, CLYDE I.....	Detroit, Mich.
WEBSTER, JOHN L.....	Omaha, Neb.
WEBSTER, LIONEL R.....	Portland, Ore.

WILLIAMS, JAMES A.....	Spokane, Wash.
WILLIAMS, JAMES C.....	Kansas City, Mo.
WILLIAMS, JESSE A.....	Seattle, Wash.
WILLIAMS, JOHN G.....	Duluth, Minn.
WILLIAMS, JOHN G.....	Indianapolis, Ind.
WILLIAMS, OLIVER H.....	Westerly, R. I.
WILLIAMS, P. L.....	Salt Lake City, Utah.
WILLIAMS, R. W.....	Tallahassee, Fla.
WILLIAMS, SAMUEL C.....	Johnson City, Tenn.
WILLIAMS, SOLON T.....	Seattle, Wash.
WILLIAMS, STEVENSON A.....	Bel Air, Md.
WILLIAMS, W. MOSBY.....	Washington, D. C.
WILLIAMS, WM. H.....	Derby, Conn.
WILLIAMSON, CHALMERS M.....	Jackson, Miss.
WILLIAMSON, JAMES F.....	Minneapolis, Minn.
WILLIAMSON, W. B.....	Leesville, La.
WILLIAMSON, W. PRESTON.....	Washington, D. C.
WILLING, ROBERT P.....	Jackson, Miss.
WILLIS, M. H.....	New Martinsville, W. Va.
WILLISTON, SAMUEL (Cambridge, Mass.)....	Belmont, Mass.
WILMARTH, A. W.....	Huron, S. D.
WILMER, L. ALLISON.....	La Plata, Md.
WILSON, CEPHAS L.....	Marianna, Fla.
WILSON, CHARLES A.....	Providence, R. I.
WILSON, CHARLES M.....	Grand Rapids, Mich.
WILSON, CLARENCE R.....	Washington, D. C.
WILSON, CORYATE S.....	Duluth, Minn.
WILSON, EDMUND .....	Red Bank, N. J.
WILSON, F. A.....	Bangor, Me.
WILSON, GEORGE P.....	Minneapolis, Minn.
WILSON, HARRY E.....	Seattle, Wash.
WILSON, HENRY H.....	Lincoln, Neb.
WILSON, JOHN M.....	Olympia, Wash.
WILSON, NATHANIEL .....	Washington, D. C.
WILSON, PERCY R.....	Los Angeles, Cal.
WILSON, SCOTT .....	Portland, Me.
WILSON, VIRGIL C.....	Portland, Me.
WILSON, WOODROW .....	Princeton, N. J.
WIMBISH, W. A.....	Atlanta, Ga.
WINDERS, C. H.....	Seattle, Wash.
WINDES, THOMAS G.....	Chicago, Ill.
WINDLE, WILLIAM S.....	West Chester, Pa.
WINEMAN, JACOB B.....	Grand Forks, N. D.
WING, GEORGE CURTIS.....	Auburn, Me.
WING, HENRY T.....	New York, N. Y.

WINKLER, FREDERICK C.....	Milwaukee, Wis.
WINSLOW, WILLIAM BEVERLY.....	New York, N. Y.
WINSTON, ALEX. ....	Spokane, Wash.
WINTERER, HERMAN .....	Valley City, N. D.
WINTERNITZ, BENJAMIN A.....	New Castle, Pa.
WINTERSTEEN, ABRAM H.....	Philadelphia, Pa.
WISE, EDWARD E.....	New York, N. Y.
WISE, JESSE H.....	Pittsburgh, Pa.
WISE, WILLIAM H.....	Shreveport, La.
WISLIZENUS, FRED A.....	St. Louis, Mo.
WITHERSPOON, S. A. ....	Meridian, Miss.
WITHINGTON, DAVID L.....	Honolulu, H. T.
WITHROW, JAMES E.....	St. Louis, Mo.
WOLF, GUSTAVE A.....	Grand Rapids, Mich.
WOLFE, WILLIAM HENRY, JR.....	Parkersburg, W. Va.
WOLFF, OSCAR .....	Baltimore, Md.
WOLFF, SOLOMON .....	New Orleans, La.
WOLLMAN, HENRY .....	New York, N. Y.
WOLVERTON, CHARLES E.....	Portland, Ore.
WOLVERTON, SIMON P.....	Sunbury, Pa.
WOMACK, T. J.....	Alva, Okla.
WOMACK, THOMAS B.....	Raleigh, N. C.
WOOD, C. E. S.....	Portland, Ore.
WOOD, FREMONT .....	Boise, Ida.
WOOD, JOHN M.....	St. Louis, Mo.
WOOD, SOLOMON A.....	Fort Wayne, Ind.
WOOD, STERLING A.....	Birmingham, Ala.
WOODMAN, ALBERT S.....	Portland, Me.
WOODMAN, EDWARD .....	Portland, Me.
WOODEUFF, CHARLES M.....	Detroit, Mich.
WOODEUFF, CLINTON ROGERS.....	Philadelphia, Pa.
WOODEUFF, EDWIN H.....	Ithaca, N. Y.
WOODEUFF, GEORGE M.....	Litchfield, Conn.
WOODS, CHARLES H.....	Guthrie, Okla.
WOODS, EDGAR H.....	Rosedale, Miss.
WOODS, FRANK H.....	Lincoln, Neb.
WOODS, J. H.....	Corsicana, Tex.
WOODS, JOHN CARTER BROWN.....	Providence, R. I.
WOODS, WILLIAM W.....	Wallace, Idaho.
WOODWARD, FREDERIC C.....	Stanford Univ., Cal.
WOOLLEY, JAMES H.....	Grand Island, Neb.
WOOLSEY, THEO. S.....	New Haven, Conn.
WORDEN, WARREN A.....	Tacoma, Wash.
WORK, JAMES C.....	Uniontown, Pa.
WORK, JAMES HENRY.....	New York, N. Y.

WORKS, JOHN D.....	Los Angeles, Cal.
WORTHAM, JAMES S.....	Leitchfield, Ky.
WORTHINGTON, WILLIAM .....	Cincinnati, Ohio.
WRIGHT, ARTHUR W.....	Austin, Minn.
WRIGHT, BOARDMAN .....	New York, N. Y.
WRIGHT, CARL C.....	Omaha, Neb.
WRIGHT, CARROLL .....	Des Moines, Iowa.
WRIGHT, GEORGE E.....	Seattle, Wash.
WRIGHT, WILLIAM A.....	New Haven, Conn.
WRIGHTINGTON, S. R.....	Boston, Mass.
WRIGHTSMAN, CHARLES J.....	Tulsa, Okla.
WURTS, JOHN .....	New Haven, Conn.
WURZER, F. HENRY.....	South Bend, Ind.
WURZER, LOUIS C.....	Detroit, Mich.
WYMAN, FRANK T.....	Boise, Ida.
WYMAN, G. H.....	Anoka, Minn.
WYMAN, HARRY C.....	Boise, Ida.
WYMAN, HENRY A.....	Boston, Mass.
WYNN, WM. H., JR.....	Seattle, Wash.
WYSOR, JOSEPH C.....	Pulaski, Va.
YANCEY, DAVID WALKER.....	Manilla, P. I.
YARRELL, LEONIDAS D.....	Emporia, Va.
YEAMAN, CALDWELL .....	Denver, Col.
YEAMAN, JAMES M.....	Henderson, Ky.
YERKES, GEORGE B.....	Detroit, Mich.
YOUNG, FRANK A.....	Fort Smith, Ark.
YOUNG, DAVID K.....	Clinton, Tenn.
YOUNG, EDWARD B.....	St. Paul, Minn.
YOUNG, EDWARD T.....	St. Paul, Minn.
YOUNG, GEORGE R.....	Dayton, Ohio.
YOUNG, HOWELL W.....	Minneapolis, Minn.
YOUNG, NEWTON C.....	Fargo, N. D.
YOUNKER, B. A.....	Des Moines, Iowa.
ZANE, JOHN M.....	Chicago, Ill.
ZEISLER, SIGMUND .....	Chicago, Ill.
ZUNTZ, JAMES E.....	New Orleans, La.

## HONORARY MEMBER.

JAMES BRYCE, British Ambassador, Washington, D. C.

# STATE LIST OF MEMBERS

1909-1910.

## ALABAMA.

BALL, FRED S.....	Montgomery.
BESTOR, DANIEL P.....	Mobile.
BROMBERG, FREDERICK G.....	Mobile.
CABANISS, E. H.....	Birmingham.
COOPER, LAWRENCE .....	Huntsville.
CRUM, B. P.....	Montgomery.
DEGRAFFENRIED, EDWARD .....	Greensboro.
DENT, S. H., JR.....	Montgomery.
GODBAY, E. W.....	Decatur.
HARRISON, GEORGE P.....	Opelika.
HUNDLEY, OSCAR R.....	Birmingham.
JEFFRIES, L. E.....	Selma.
JONES, GEORGE W.....	Montgomery.
JONES, THOMAS G.....	Montgomery.
MALLORY, H. S. D.....	Selma.
MARTIN, THOMAS W.....	Montgomery.
MILLER, JOSEPH N.....	Camden.
MCALPINE, JOHN W.....	Mobile.
MCCLELLAN, THOMAS C.....	Montgomery.
O'NEAL, EMMETT .....	Florence.
PERCY, WALKER .....	Birmingham.
RUSSELL, EDWARD L.....	Mobile.
SELHEIMER, HENRY C.....	Birmingham.
SHELBY, DANIEL D.....	Huntsville.
SMITH, A. G.....	Birmingham.
SMITH, GREGORY L.....	Mobile.
STERN, PHILIP H.....	Montgomery.
STOKELY, J. T.....	Birmingham.
THOMAS, W. H.....	Montgomery.
TILLMAN, JOHN P.....	Birmingham.
WEAKLEY, SAMUEL D.....	Birmingham.
WEATHERLY, JAMES .....	Birmingham.
WILLETT, JOSEPH J.....	Anniston.
WOOD, STERLING A.....	Birmingham.

WILLIAMS, JAMES A.....	Spokane, Wash.
WILLIAMS, JAMES C.....	Kansas City, Mo.
WILLIAMS, JESSE A.....	Seattle, Wash.
WILLIAMS, JOHN G.....	Duluth, Minn.
WILLIAMS, JOHN G.....	Indianapolis, Ind.
WILLIAMS, OLIVER H.....	Westerly, R. I.
WILLIAMS, P. L.....	Salt Lake City, Utah.
WILLIAMS, R. W.....	Tallahassee, Fla.
WILLIAMS, SAMUEL C.....	Johnson City, Tenn.
WILLIAMS, SOLON T.....	Seattle, Wash.
WILLIAMS, STEVENSON A.....	Bel Air, Md.
WILLIAMS, W. MOSBY.....	Washington, D. C.
WILLIAMS, WM. H.....	Derby, Conn.
WILLIAMSON, CHALMERS M.....	Jackson, Miss.
WILLIAMSON, JAMES F.....	Minneapolis, Minn.
WILLIAMSON, W. B.....	Leesville, La.
WILLIAMSON, W. PRESTON.....	Washington, D. C.
WILLING, ROBERT P.....	Jackson, Miss.
WILLIS, M. H.....	New Martinsville, W. Va.
WILLISTON, SAMUEL (Cambridge, Mass.)....	Belmont, Mass.
WILMARTH, A. W.....	Huron, S. D.
WILMER, L. ALLISON.....	La Plata, Md.
WILSON, CEPHAS L.....	Marianna, Fla.
WILSON, CHARLES A.....	Providence, R. I.
WILSON, CHARLES M.....	Grand Rapids, Mich.
WILSON, CLARENCE R.....	Washington, D. C.
WILSON, CORYATE S.....	Duluth, Minn.
WILSON, EDMUND .....	Red Bank, N. J.
WILSON, F. A.....	Bangor, Me.
WILSON, GEORGE P.....	Minneapolis, Minn.
WILSON, HARRY E.....	Seattle, Wash.
WILSON, HENRY H.....	Lincoln, Neb.
WILSON, JOHN M.....	Olympia, Wash.
WILSON, NATHANIEL .....	Washington, D. C.
WILSON, PERCY R.....	Los Angeles, Cal.
WILSON, SCOTT .....	Portland, Me.
WILSON, VIRGIL C.....	Portland, Me.
WILSON, WOODROW .....	Princeton, N. J.
WIMBISH, W. A.....	Atlanta, Ga.
WINDERS, C. H.....	Seattle, Wash.
WINDES, THOMAS G.....	Chicago, Ill.
WINDLE, WILLIAM S.....	West Chester, Pa.
WINEMAN, JACOB B.....	Grand Forks, N. D.
WING, GEORGE CURTIS.....	Auburn, Me.
WING, HENRY T.....	New York, N. Y.

WINKLER, FREDERICK C.....	Milwaukee, Wis.
WINSLOW, WILLIAM BEVERLY.....	New York, N. Y.
WINSTON, ALEX. ....	Spokane, Wash.
WINTERER, HERMAN .....	Valley City, N. D.
WINTERNITZ, BENJAMIN A.....	New Castle, Pa.
WINTERSTEEN, ABRAM H.....	Philadelphia, Pa.
WISE, EDWARD E.....	New York, N. Y.
WISE, JESSE H.....	Pittsburgh, Pa.
WISE, WILLIAM H.....	Shreveport, La.
WISLIZENUS, FRED A.....	St. Louis, Mo.
WITHERSPOON, S. A... ..	Meridian, Miss.
WITHINGTON, DAVID L.....	Honolulu, H. T.
WITHROW, JAMES E.....	St. Louis, Mo.
WOLF, GUSTAVE A.....	Grand Rapids, Mich.
WOLFE, WILLIAM HENRY, JR.....	Parkersburg, W. Va.
WOLFF, OSCAR .....	Baltimore, Md.
WOLFF, SOLOMON .....	New Orleans, La.
WOLLMAN, HENRY .....	New York, N. Y.
WOLVERTON, CHARLES E.....	Portland, Ore.
WOLVERTON, SIMON P.....	Sunbury, Pa.
WOMACK, T. J.....	Alva, Okla.
WOMACK, THOMAS B.....	Raleigh, N. C.
WOOD, C. E. S.....	Portland, Ore.
WOOD, FREMONT .....	Boise, Ida.
WOOD, JOHN M.....	St. Louis, Mo.
WOOD, SOLOMON A.....	Fort Wayne, Ind.
WOOD, STERLING A.....	Birmingham, Ala.
WOODMAN, ALBERT S.....	Portland, Me.
WOODMAN, EDWARD .....	Portland, Me.
WOODEUFF, CHARLES M.....	Detroit, Mich.
WOODEUFF, CLINTON ROGERS.....	Philadelphia, Pa.
WOODEUFF, EDWIN H.....	Ithaca, N. Y.
WOODEUFF, GEORGE M.....	Litchfield, Conn.
WOODS, CHARLES H.....	Guthrie, Okla.
WOODS, EDGAR H.....	Rosedale, Miss.
WOODS, FRANK H.....	Lincoln, Neb.
WOODS, J. H.....	Corsicana, Tex.
WOODS, JOHN CARTER BROWN.....	Providence, R. I.
WOODS, WILLIAM W.....	Wallace, Idaho.
WOODWARD, FREDERIC C.....	Stanford Univ., Cal.
WOOLLEY, JAMES H.....	Grand Island, Neb.
WOOLSEY, THEO. S.....	New Haven, Conn.
WORDEN, WARREN A.....	Tacoma, Wash.
WORK, JAMES C.....	Uniontown, Pa.
WORK, JAMES HENRY.....	New York, N. Y.

## CALIFORNIA.—Continued.

SMITH, SAM. FERRY.....	San Diego.
STORRS, HENRY E.....	Los Angeles.
TITUS, H. L.....	San Diego.
TRASK, WALTER J.....	Los Angeles.
TRIPPET, OSCAR A.....	Los Angeles.
VAN DYKE, HENRY S.....	Los Angeles.
WILSON, PERCY R.....	Los Angeles.
WOODWARD, FREDERIC C.....	Stanford Univ.
WORKS, JOHN D.....	Los Angeles.

## COLORADO.

ALLEN, GEORGE W.....	Denver.
ANNIS, FRANK J.....	Fort Collins.
BABB, HENRY B.....	Denver.
BAILEY, MORTON S.....	Denver.
BARTELS, GUSTAVE C.....	Denver.
BEARDSLEY, ARTHUR L.....	Glenwood Spgs.
BELL, JOSEPH C.....	Trinidad.
BENNETT, EDMON G.....	Denver.
BLOOD, JAMES H.....	Denver.
BONYNGE, ROBERT W.....	Denver.
BOUCK, FRANCIS E.....	Leadville.
BROCK, CHARLES R.....	Denver.
BROOKS, FRANKLIN E.....	Colorado Springs
BROWN, JAMES H.....	Denver.
BRYANT, WILLIAM H.....	Denver.
BUTLER, HUGH .....	Denver.
CAMPBELL, JOHN .....	Denver.
CAMPBELL, NORMAN M.....	Colorado Springs
CAVENDER, CHARLES .....	Leadville.
CHITTENDEN, GRANVILLE I.....	Denver.
COLLINS, O. E.....	Colorado Springs.
COSTIGAN, EDWARD P.....	Denver.
CURTIS, LEONARD E.....	Colorado Springs
CUTHBERT, LUCIUS M.....	Denver.
DAVIS, HARRY C.....	Denver.
DAVIS, WALTER W.....	Leadville.
DAWSON, CLYDE C.....	Canon City.
DEVINE, THOMAS H.....	Pueblo.
DINES, ORVILLE L.....	Denver.
DINES, TYSON S.....	Denver.
DIXON, JOHN R.....	Denver.
DORSEY, CLAYTON C.....	Denver.
DUBBS, HENRY A.....	Pueblo.



## COLORADO.—Continued.

DUNKLEE, GEORGE F.....	Denver.
ELLIS, DANIEL B.....	Denver.
EWING, JOHN A.....	Leadville.
FLEMING, JOHN D.....	Boulder.
GABBERT, WILLIAM H.....	Denver.
GABRIEL, JOHN H.....	Denver.
GANDY, NEWTON S.....	Colorado Springs.
GODDARD, LUTHER M.....	Denver.
GOVE, FRANK E.....	Denver.
GREGG, FRANK E.....	Denver.
GROZIER, JOSHUA .....	Denver.
GUNTER, JULIUS C.....	Denver.
HAGGOTT, W. A.....	Idaho Springs.
HALL, HENRY C.....	Colorado Springs.
HALLETT, MOSES .....	Denver.
HAMLIN, CLARENCE C.....	Colorado Springs.
HARDCASTLE, THOMAS H.....	Denver.
HARRISON, WILLIAM B.....	Denver.
HARTMAN, WILLIAM L.....	Pueblo.
HAWKINS, PRINCE A.....	Boulder.
HAYNES, H. N.....	Greeley.
HAYT, CHARLES D.....	Denver.
HERRINGTON, CASS E.....	Denver.
HERRINGTON, FRED .....	Denver.
HERSEY, HENRY J.....	Denver.
HODGES, GEORGE L.....	Denver.
HODGES, WILLIAM V.....	Denver.
HOOD, THOMAS H.....	Denver.
HOYT, LUCIUS W.....	Denver.
HUGHES, CHARLES J., JR.....	Denver.
KELLY, HARRY E.....	Denver.
KILLIAN, JAMES R.....	Denver.
KING, ALFRED R.....	Delta.
LEE, PAUL W.....	Fort Collins.
LEWIS, ROBERT E.....	Denver.
LINDSLEY, HENRY A.....	Denver.
LUNT, HORACE G.....	Colorado Springs.
MANLY, GEORGE C.....	Denver.
MAXWELL, JOHN M.....	Denver.
MAY, HENRY F.....	Denver.
MILLIKEN, JOHN D.....	Denver.
MOLLETTE, A. R.....	Durango.
MORGAN, WILLIAM B.....	Trinidad.
MCCALLISTER, HENRY, JR.....	Denver.

## COLORADO.—Continued.

MCCEEERY, JAMES W.....	Greeley.
MCDONOUGH, FRANK, SR.....	Denver.
McKNIGHT, RICHARD .....	Denver.
NORTHCUTT, JESSE G.....	Trinidad.
O'DONNELL, THOMAS J.....	Denver.
RAMSEY, WILLIAM R.....	Denver.
REDDIN, JOHN H.....	Denver.
REGENNITTEB, ERWIN L.....	Idaho Springs.
RIDDELL, HARVEY .....	Denver.
ROGERS, HENRY T.....	Denver.
ROGERS, PLATT .....	Denver.
SABIN, FRED A.....	La Junta.
SHAFROTH, JOHN F.....	Denver.
SHERMAN, STERLING S.....	Montrose.
SMITH, JOHN R.....	Denver.
STEELE, ROBERT W.....	Denver.
STEVENSON, ARCHIE M.....	Denver.
STEVICK, GUY LEROY .....	Denver.
TATUM, LOUIS R.....	Denver.
TEARS, DANIEL W.....	Denver.
TEBBETTS, WILLIAM B.....	Denver.
THOMAS, CHARLES S.....	Denver.
TBOWBRIDGE, HENRY .....	Colorado Springs.
TWITCHELL, LAFAYETTE .....	Denver.
VAILE, JOEL F.....	Denver.
VANCISE, EDWIN .....	Denver.
VATES, WILLIAM B.....	Pueblo.
WALLING, STUART D.....	Denver.
WARNER, STANLEY CLARK.....	Denver.
WATERMAN, CHARLES W.....	Denver.
WHITE, S. HARRISON.....	Denver.
WHITELEY, RICHARD H.....	Boulder.
WHITTED, ELMER E.....	Denver.
WILKIN, CHARLES A.....	Fairplay.
WILLCOX, ORLANDO B.....	Colorado Springs
YEAMAN, CALDWELL .....	Denver.

## CONNECTICUT.

ANDERSON, EDWIN G.....	Hartford.
ANDREWS, JAMES P.....	Hartford.
ARVINE, E. P.....	New Haven.
BALDWIN, ALFRED C.....	Derby.
BALDWIN, SIMEON E.....	New Haven.
BRACH, JOHN K.....	New Haven.

## CONNECTICUT.—Continued.

BEARDSLEY, MORRIS B.....	Bridgeport.
BEERS, GEORGE E.....	New Haven.
BLAKE, JAMES KINGSLEY.....	New Haven.
BRISCOE, CHARLES H.....	Hartford.
BRONSON, NATHANIEL R.....	Waterbury.
BROSMITH, WILLIAM.....	Hartford.
CHASE, WARREN D.....	Hartford.
CLEAVELAND, LIVINGSTON W.....	New Haven.
CONANT, GEORGE A.....	Hartford.
CRANE, ALBERT (New York, N. Y.).....	Stamford.
CULVER, M. EUGENE.....	Middletown.
CUMMINGS, HOMER S.....	Stamford.
DAVENPORT, DANIEL .....	Bridgeport.
DAY, HARRY G.....	New Haven.
EDGERTON, JOHN W.....	New Haven.
FAY, FRANK S.....	Meriden.
FITZGERALD, DAVID E.....	New Haven.
GAGER, EDWIN B.....	Derby.
GIGHT, JOHN H.....	South Norwalk.
HARRIMAN, EDWARD AVERY.....	New Haven.
HERMAN, SAMUEL A.....	Winsted.
HULL, HADLAI A.....	New London.
HYDE, WILLIAM W.....	Hartford.
IVES, J. MOSS.....	Danbury.
LOOMIS, SEYMOUR C.....	New Haven.
MALTBIE, THEODORE M.....	Hartford.
MATHEWSON, ALBERT MCCLELLAN.....	New Haven.
MITCHELL, CHARLES E.....	New Britain.
MCGUIRE, FRANK L.....	New London.
NEWTON, HENRY G.....	New Haven.
PECK, EPAPHRODITUS .....	Bristol.
PELTON, CHARLES A.....	Clinton.
PERKINS, ARTHUR .....	Hartford.
PHELAN, JOHN J.....	Bridgeport.
PHELPS, CHARLES .....	Rockville.
PIERCE, WILSON H.....	Waterbury.
RAYNOLDS, EDWARD V.....	New Haven.
ROBBINS, EDWARD D.....	New Haven.
ROGERS, EDWARD H.....	New Haven.
ROGERS, HENRY WADE.....	New Haven.
RUSSELL, TALCOTT H.....	New Haven.
SCOTT, HOWARD B.....	Danbury.
SEARLS, CHARLES E.....	Putnam.
STANTON, LEWIS E.....	Hartford.

## CONNECTICUT.—Continued.

TAYLOR, FREDERICK C.....	Stamford.
THOMAS, EDWIN S.....	New Haven.
TUTTLE, J. BIRNEY.....	New Haven.
WALSH, R. JAY.....	Greenwich.
WARNER, DONALD T.....	Salisbury.
WATROUS, GEORGE T.....	New Haven.
WEBB, HOWARD C.....	New Haven.
WEBB, JAMES H.....	New Haven.
WHEELER, JAMES E.....	New Haven.
WHITE, HENRY C.....	New Haven.
WILLIAMS, FRANK B.....	Hartford.
WILLIAMS, FREDERIC M.....	New Milford.
WILLIAMS, WILLIAM H.....	Derby.
WOODRUFF, GEORGE M.....	Litchfield.
WOOLSEY, THEO. S.....	New Haven.
WEIGHT, WILLIAM A.....	New Haven.
WURTS, JOHN .....	New Haven.

## DELAWARE.

BRADFORD, EDWARD G.....	Wilmington.
GRAY, GEORGE .....	Wilmington.
HIGGINS, ANTHONY .....	Wilmington.
HILLES, WILLIAM S.....	Wilmington.
NICHOLSON, JOHN R.....	Dover.
NIELDS, BENJAMIN .....	Wilmington.
NIELDS, JOHN P.....	Wilmington.
SAULSBURY, WILLARD .....	Wilmington.
WARD, HERBERT H.....	Wilmington.

## DISTRICT OF COLUMBIA.

ABERT, WILLIAM STONE.....	Washington.
ANDERSON, THOMAS H.....	Washington.
ATKINS, JOSEPH L.....	Washington.
BACON, LEVI SEWARD.....	Washington.
BAKER, DANIEL W.....	Washington.
BARNARD, RALPH P.....	Washington.
BERRY, WALTER V. R.....	Washington.
BLAIR, HENRY P.....	Washington.
BLAIR, JOHN S.....	Washington.
BOND, SAMUEL R.....	Washington.
BREWER, DAVID J.....	Washington.
BRITTON, ALEXANDER .....	Washington.
BROWN, CHAPIN .....	Washington.
BROWNE, ALDIS B.....	Washington.

## DISTRICT OF COLUMBIA.—Continued.

BROWNE, ARTHUR S.....	Washington.
CHURCH, JOSEPH B.....	Washington.
CHURCH, MELVILLE .....	Washington.
CLEPHANE, WALTER C.....	Washington.
COLBERT, MICHAEL J.....	Washington.
DAVIS, GEORGE B.....	Washington.
DAVIS, HENRY E.....	Washington.
DELACY, WILLIAM H.....	Washington.
DODGE, WILLIAM W.....	Washington.
DONALDSON, R. GOLDEN.....	Washington.
DOOLITTLE, H. P.....	Washington.
DOWELL, ARTHUR E.....	Washington.
DOWELL, JULIAN C.....	Washington.
DUNLOP, G. THOMAS.....	Washington.
EARNEST, JOHN PAUL.....	Washington.
EDMONSTON, WILLIAM E.....	Washington.
EDSON, JOSEPH R.....	Washington.
FENNING, FREDERICK A.....	Washington.
FISHER, ROBERT J.....	Washington.
FISHER, SAMUEL T.....	Washington.
FLANNERY, JOHN SPALDING.....	Washington.
FOSTER, CHARLES E.....	Washington.
FRAZIER, ROBERT T.....	Washington.
GREELEY, ARTHUR P.....	Washington.
HAGNER, ALEXANDER B.....	Washington.
HAMILTON, GEORGE EARNEST.....	Washington.
HAYDEN, JAMES H.....	Washington.
HOWARD, GEORGE H.....	Washington.
KAPPLER, CHARLES J.....	Washington.
KING, GEORGE A.....	Washington.
KING, WILLIAM B.....	Washington.
LANCASTER, CHARLES C.....	Washington.
LARNER, JOHN B.....	Washington.
LECKIE, A. E. L.....	Washington.
MADDOX, SAMUEL .....	Washington.
MICHENER, L. T.....	Washington.
MILLAN, WILLIAM W.....	Washington.
MINOR, BENJAMIN S.....	Washington.
MOHUN, BARRY .....	Washington.
MORSE, A. PORTER.....	Washington.
MCGILL, J. NOTA.....	Washington.
MCKENNEY, FREDERIC D.....	Washington.
PAGE, THOMAS NELSON.....	Washington.
PAYNE, JAMES G.....	Washington.

## DISTRICT OF COLUMBIA.—Continued.

PERRY, R. ROSS, JR.....	Washington.
RALSTON, JACKSON H.....	Washington.
ROGERS, WALTER F.....	Washington.
SELDEN, JOHN .....	Washington.
SEYMOUR, HENRY A.....	Washington.
SIDDONS, FREDERICK LINCOLN.....	Washington.
SMITH, LUTHER R.....	Washington.
SNOW, ALPHEUS H.....	Washington.
SPEAR, ELLIS .....	Washington.
STURTEVANT, CHARLES L.....	Washington.
SULLIVAN, WILLIAM C.....	Washington.
SYME, CONRAD H.....	Washington.
TAYLOR, HANNIS .....	Washington.
THOM, ALFRED P.....	Washington.
THOM, CORCORAN .....	Washington.
THURSTON, JOHN M.....	Washington.
TUCKER, CHARLES COWLES.....	Washington.
VANCE, WILLIAM R.....	Washington.
VAN ORSDEL, JOSIAH A.....	Washington.
WALTON, CLIFFORD S.....	Washington.
WILLIAMS, W. MOSBY.....	Washington.
WILLIAMSON, W. PRESTON.....	Washington.
WILSON, CLARENCE R.....	Washington.
WILSON, NATHANIEL .....	Washington.

## FLORIDA.

ADAMS, CHARLES S.....	Jacksonville.
ANDERSON, ROBERT L.....	Ocala.
AVEY, JOHN C.....	Pensacola.
AXTELL, EZRA P.....	Jacksonville.
BAKER, ROBERT A.....	Jacksonville.
BAKER, WILLIAM H.....	Jacksonville.
BARRS, JOHN M.....	Jacksonville.
BEDELL, GEORGE C.....	Jacksonville.
BISBEE, HORATIO .....	Jacksonville.
BLOUNT, WILLIAM A.....	Pensacola.
BOSTWICK, WILLIAM M., JR.....	Jacksonville.
BROWN, WILLIAM .....	Jacksonville.
BRYAN, NATHAN P.....	Jacksonville.
BUCKMAN, HENRY H.....	Jacksonville.
BURTON, JOHN W.....	Arcadia.
CLARKSON, WALTER B.....	Jacksonville.
DODGE, JOHN W.....	Jacksonville.
DOGGETT, JOHN L.....	Jacksonville.
DOIG, D. H.....	Jacksonville.

## FLORIDA.—Continued.

FLETCHER, DUNCAN U.....	Jacksonville.
GIBBONS, CROMWELL .....	Jacksonville.
GILLESPIE, J. HAMILTON.....	Sarasota.
GLEN, JAMES F.....	Tampa.
HARTBRIDGE, JOHN E.....	Jacksonville.
HARWICK, WILLIAM H.....	Jacksonville.
HODGES, WILLIAM C.....	Tallahassee.
HUNTER, WILLIAM .....	Tampa.
KAY, WILLIAM E.....	Jacksonville.
KING, AUGUSTUS H.....	Jacksonville.
LIDDON, BENJ. S.....	Marianna.
MASSEY, LOUIS C.....	Orlando.
MCGARRY, THOMAS F.....	Jacksonville.
PHILIPS, HENRY B.....	Jacksonville.
POWELL, GEORGE M.....	Jacksonville.
PRICE, WILLIAM H.....	Marianna.
RINEHART, C. D.....	Jacksonville.
ROBBINS, GEORGE M.....	Titusville.
SIMONTON, F. M.....	Tampa.
SULLIVAN, J. J.....	Pensacola.
TOOMER, W. M.....	Jacksonville.
WATSON, WILLIAM H.....	Pensacola.
WILLIAMS, R. W.....	Tallahassee.
WILSON, CEPHAS L.....	Marianna.

## GEORGIA.

ABBOTT, B. F.....	Atlanta.
ADAMS, SAMUEL B.....	Savannah.
ARNOLD, REUBEN R.....	Atlanta.
BARTLETT, CHARLES L.....	Macon.
BRANDON, MORRIS .....	Atlanta.
CALLAWAY, FRANK E.....	Atlanta.
CANN, J. FERRIS.....	Savannah.
CHARLTON, WALTER G.....	Savannah.
CLAY, WILLIAM LAW.....	Savannah.
CROVATT, A. J.....	Brunswick.
CUMMING, JOSEPH B.....	Augusta.
CUNNINGHAM, HENRY C.....	Savannah.
CUNNINGHAM, T. M., JR.....	Savannah.
DALEY, A. F.....	Wrightsville.
DELACY, JOHN F.....	Eastman.
DONALSON, JOHN E.....	Rainbridge.
DUBIGNON, FLEMING G.....	Atlanta.
GIGNILLIAT, WILLIAM L.....	Savannah.

## GEORGIA.—Continued.

GORDON, WILLIAM W., JR.....	Savannah.
HAMMOND, THEODORE A.....	Atlanta.
HAMMOND, WILLIAM R.....	Atlanta.
LAMAR, JOSEPH R.....	Augusta.
LANE, WILFRED C.....	Valdosta.
LAWTON, ALEXANDER R.....	Savannah.
LEAKEN, WILLIAM R.....	Savannah.
MACKALL, WILLIAM W.....	Savannah.
MELDEIM, P. W.....	Savannah.
MERRILL, JOSEPH HANSELL.....	Thomasville.
MILLER, WILLIAM K.....	Augusta.
MINIS, ABRAM .....	Savannah.
MCALPIN, HENRY .....	Savannah.
MCWHORTER, HAMILTON .....	Athens.
O'BYRNE, M. A.....	Savannah.
OWENS, GEORGE W.....	Savannah.
SEABROOK, PAUL E. (Savannah).....	Pineora.
SMITH, ALEXANDER W., SR.....	Atlanta.
SMITH, BURTON .....	Atlanta.
SMITH, VICTOR LAMAR.....	Atlanta.
SPEER, EMORY (Macon).....	Mt. Airy.
STRICKLAND, JOHN J.....	Athens.
TYE, JOHN L.....	Atlanta.
WIMBISH, W. A.....	Atlanta.

## HAWAII TERRITORY.

CASTLE, WILLIAM R.....	Honolulu.
DICKEY, LYLE A.....	Honolulu.
SMITH, WILLIAM O.....	Honolulu.
WITHINGTON, DAVID L.....	Honolulu.

## IDAHO.

AILSHIE, JAMES F.....	Boise.
BABB, JAMES E.....	Lewiston.
BEALE, CHARLES W.....	Wallace.
BEATTY, JAMES H.....	Boise.
BLAKE, JOHN J.....	Boise.
BORAH, WILLIAM E.....	Boise.
CAGE, MILTON G.....	Boise.
CAVANAH, CHARLES C.....	Boise.
COX, EUGENE A.....	Lewiston.
DAVIDSON, WILLIAM B.....	Boise.
DIETRICH, FRANK S.....	Boise.
HAGA, OLIVER O.....	Boise.



## IDAHO.—Continued.

HAWLEY, JAMES H.....	Boise.
HAWLEY, JESS B.....	Boise City.
HAYS, SAMUEL H.....	Boise.
HEYBURN, WELDON B. (Washington, D. C.)..	Wallace.
JOHNSON, RICHARD H.....	Boise.
LA VEINE, EDWARD N.....	Coeur d'Alene.
MACLANE, JOHN F.....	Moscow.
MORRISON, JOHN T.....	Boise.
MCDUGALL, D. C.....	Malad City.
NUGENT, JOHN F.....	Boise.
PENCE, JOSEPH T.....	Boise.
PERKY, KIRTLAND I.....	Boise.
RICHARDS, JAMES H.....	Boise.
RUICK, NORMAN M.....	Boise.
SMITH, ISHAM N.....	Lewiston.
WOOD, FREMONT .....	Boise.
WOODS, WILLIAM W.....	Wallace.
WYMAN, FRANK T.....	Boise.
WYMAN, HARRY C.....	Boise.

## ILLINOIS.

ABBEY, CHARLES P.....	Chicago.
ADAMS, ELMER H.....	Chicago.
ALDEN, W. T.....	Chicago.
ALLEN, CHARLES L.....	Chicago.
AYERS, GEORGE D.....	Chicago.
APMADOC, W. TUDOR.....	Chicago.
AUSTRIAN, ALFRED S.....	Chicago.
BALDWIN, HENRY R.....	Chicago.
BALDWIN, JESSE A.....	Chicago.
BANCROFT, EDGAR A.....	Chicago.
BARNES, ALBERT C.....	Chicago.
BARNETT, OTTO R.....	Chicago.
BARTLEY, CHARLES EARLE.....	Chicago.
BARTON, GEORGE P.....	Chicago.
BEACH, MYRON H.....	Chicago.
BEALE, WILLIAM G.....	Chicago.
BELT, WILLIAM O.....	Chicago.
BENTLEY, CYRUS .....	Chicago.
BILLINGS, CHARLES L.....	Chicago.
BLAKE, FREEMAN K.....	Chicago.
BOWERS, LLOYD W.....	Chicago.
BOYS, WILLIAM H.....	Streator.
BROWN, CHARLES A.....	Chicago.

## ILLINOIS.—Continued.

BROWN, EDWARD O.....	Chicago.
BROWN, FREDERICK A.....	Chicago.
BROWN, PAUL .....	Chicago.
BROWN, TAYLOR E.....	Chicago.
BUCKINGHAM, GEORGE T.....	Chicago.
BURNHAM, TELFORD .....	Chicago.
BURROUGHS, BENJAMIN R.....	Edwardsville.
BURRY, WILLIAM .....	Chicago.
BUTLER, RUSH C.....	Chicago.
BYRNES, DANIEL .....	Chicago.
CALHOUN, WILLIAM J.....	Chicago.
CAPEN, CHARLES L.....	Bloomington.
CARPENTER, GEORGE A.....	Chicago.
CARTER, HENRY W.....	Chicago.
CARTER, ORRIN N.....	Chicago.
CARY, ROBERT J.....	Chicago.
CASSODAY, ELDON J.....	Chicago.
CHANCELLOR, JUSTUS .....	Chicago.
CHANDLER, JOSEPH H.....	Chicago.
CHEEVER, DWIGHT B.....	Chicago.
CHYTRAUS, AXEL .....	Chicago.
COFFEEN, M. LESTER.....	Chicago.
COX, ARTHUR M.....	Chicago.
CURRAN, WILLIAM R.....	Pekin.
CUSTER, JACOB R.....	Chicago.
CUTTING, CHARLES S.....	Chicago.
DANIELS, FRANCIS B.....	Chicago.
DAVID, JOSEPH B.....	Chicago.
DAVIS, BRODE B.....	Chicago.
DAWES, CHESTER M.....	Chicago.
DEFREES, JOSEPH H.....	Chicago.
DENEEN, CHARLES S. (Springfield, Ill.).....	Chicago.
DENT, THOMAS .....	Chicago.
DICKINSON, J. M. (Washington, D. C.).....	Chicago.
DICKINSON, J. R.....	Chicago.
DILLARD, F. C.....	Chicago.
DOUGLASS, GEORGE L.....	Chicago.
DUNLAP, ROBERT .....	Chicago.
DYRENFORTH, DOUGLAS .....	Chicago.
DYRENFORTH, PHILIP C.....	Chicago.
DYRENFORTH, WILLIAM H.....	Chicago.
EASTMAN, ALBERT N.....	Chicago.
EASTMAN, SIDNEY C.....	Chicago.
EBERHARDT, MAX .....	Chicago.

## ILLINOIS.—Continued.

ECKHARDT, PERCY B.....	Chicago.
EDGAR, MAXWELL .....	Chicago.
ELTING, VICTOR .....	Chicago.
ENGLISH, LEE F.....	Chicago.
ESTERLINE, BLACKBURN .....	Chicago.
EVANS, ARTHUR F.....	Chicago.
EVANS, LYNDEN .....	Chicago.
FISHER, GEO. P., JR.....	Chicago.
FOLLANSBEE, GEORGE A.....	Chicago.
FORMAN, W. S.....	East St. Louis.
FREUND, ERNEST .....	Chicago.
FROST, E. ALLEN.....	Chicago.
FULLERTON, WM. D.....	Ottawa.
FURNESS, WILLIAM ELIOT.....	Chicago.
GADE, FREDERICK H.....	Chicago.
GARDNER, C. P.....	Chicago.
GARTSIDE, JOHN M.....	Chicago.
GIBBONS, JOHN .....	Chicago.
GIVEN, WILLIAM B.....	Chicago.
GREELEY, LOUIS M.....	Chicago.
GREEN, FREDERICK .....	Urbana.
GREENACRE, ISAIAH T.....	Chicago.
GREGORY, STEPHEN S.....	Chicago.
GRESHAM, OTTO .....	Chicago.
GRIDLEY, MARTIN M.....	Chicago.
GROSSCUP, PETER S.....	Chicago.
HAGAN, HENRY M.....	Chicago.
HALL, JAMES PARKER.....	Chicago.
HAMLIN, FRANK .....	Chicago.
HARDING, CHARLES F.....	Chicago.
HARKER, OLIVER A.....	Champaign.
HARRIS, A. G.....	Dixon.
HEALY, JOHN J.....	Chicago.
HEBARD, FREDERIC S.....	Chicago.
HERRICK, JOHN J.....	Chicago.
HILL, JOHN W.....	Chicago.
HILL, LYSANDER .....	Chicago.
HOLDOM, JESSE .....	Chicago.
HUMBURG, ANDREW P.....	Chicago.
HUNTER, WILLIAM R.....	Kankakee.
HURD, HARRY B.....	Chicago.
HUTCHINS, JAMES C.....	Chicago.
HYDE, CHARLES C.....	Chicago.
HYDE, JAMES W.....	Chicago.

## ILLINOIS.—Continued.

HYZER, E. M.....	Chicago.
IRWIN, CLINTON F.....	Elgin.
IVES, MORSE .....	Chicago.
JEFFERSON, CARL S.....	Chicago.
JUDAH, NOBLE B.....	Chicago.
JUNKIN, FRANCIS T. A.....	Chicago.
KALES, ALBERT M.....	Chicago.
KARCHER, GEORGE H.....	Chicago.
KAVANAGH, MARCUS A.....	Chicago.
KELLEY, GEORGE THOMAS.....	Chicago.
KENNA, EDWARD D. (New York, N. Y.)....	Chicago.
KENYON, WILLIAM S.....	Chicago.
KERR, ROBERT J.....	Chicago.
KIES, WILLIAM S.....	Chicago.
KRAMER, EDWARD C.....	East St. Louis.
KRETZINGER, GEORGE W.....	Chicago.
LACKNER, FRANCIS .....	Chicago.
LANTRY, THOMAS B.....	Chicago.
LATHROP, GARDINER .....	Chicago.
LAWRENCE, GEORGE A.....	Galesburg.
LAWSON, WILLIAM C.....	Chicago.
LEE, BLEWETT .....	Chicago.
LEVINSON, S. O.....	Chicago.
LEWIS, J. HAMILTON.....	Chicago.
LINDLEY, ERASMUS C.....	Chicago.
LINTHICUM, CHARLES C.....	Chicago.
LOESCH, FRANK J.....	Chicago.
LORD, FRANK E.....	Chicago.
LOWDEN, FRANK O.....	Oregon.
LYFORD, WILL H.....	Chicago.
MACCHESNEY, NATHAN WILLIAM.....	Chicago.
MACK, JULIAN W.....	Chicago.
MAGBUDER, BENJAMIN D.....	Chicago.
MARSTON, THOMAS B.....	Chicago.
MARTIN, HORACE H.....	Chicago.
MARX, FREDERICK Z.....	Chicago.
MATHENY, JAMES H.....	Springfield.
MATZ, RUDOLPH .....	Chicago.
MAYER, LEVY .....	Chicago.
MECARTNEY, HARRY S.....	Chicago.
MECHEM, FLOYD R.....	Chicago.
MERRICK, GEORGE PECK.....	Chicago.
MILLARD, W. D.....	Chicago.
MILLER, JOHN S.....	Chicago.

## ILLINOIS.—Continued.

MONTGOMERY, JOHN R.....	Chicago.
MORE, CLAIRE E.....	Chicago.
MORRILL, DONALD L.....	Chicago.
MUSGRAVE, HARRISON .....	Chicago.
MCARDLE, P. L.....	Chicago.
MCCORDIC, ALFRED E.....	Chicago.
MCCORMICK, ROBERT H., JR.....	Chicago.
MCCULLOCH, FRANK H.....	Chicago.
MC ELROY, JOHN H.....	Chicago.
MC EWEN, WILLARD M.....	Chicago.
MCGOORTY, JOHN P.....	Chicago.
MC SURELY, WILLIAM H.....	Chicago.
NEWMAN, JACOB .....	Chicago.
NIBLACK, WILLIAM C.....	Chicago.
NORTON, T. J.....	Chicago.
O'CONNOR, CHARLES J.....	Chicago.
O'DONNELL, JOSEPH A.....	Chicago.
OFFIELD, CHARLES K.....	Chicago.
OGDEN, HOWARD N.....	Chicago.
O'HARBA, APOLLOS W.....	Carthage.
PACKARD, GEORGE .....	Chicago.
PADEN, JOSEPH E.....	Chicago.
PAGE, GEORGE T.....	Peoria.
PARKER, LEWIS W.....	Chicago.
PARKINSON, ROBERT H.....	Chicago.
PAYNE, JOHN BARTON.....	Chicago.
PEABODY, AUGUSTUS S.....	Chicago.
PEAKS, GEORGE H.....	Chicago.
PEARSON, HAYNIE R.....	Chicago.
PEEK, BURTON F.....	Moline.
PEIRCE, EDWARD B.....	Chicago.
PETERSON, JAMES A.....	Chicago.
PECK, GEORGE R.....	Chicago.
PINCKNEY, MERRITT W.....	Chicago.
PINGREY, D. H.....	Bloomington.
POPPENHUSEN, CONRAD H.....	Chicago.
POST, PHILIP S.....	Chicago.
POUND, ROSCOE .....	Chicago.
PRUSSING, EUGENE E.....	Chicago.
RECTOR, EDWARD .....	Chicago.
REED, FRANK F.....	Chicago.
RICHARDS, JOHN T.....	Chicago.
RICHBERG, JOHN C.....	Chicago.
RINAKER, JOHN I.....	Carlinville.

## ILLINOIS.—Continued.

RITSHER, EDWARD C.....	Chicago.
ROBBINS, HENRY S.....	Chicago.
ROGERS, EDWARD S.....	Chicago.
ROGERS, ELMER E.....	Chicago.
ROGERS, GEORGE MILLS.....	Chicago.
ROSENTHAL, LESSING .....	Chicago.
ROTHMAN, WILLIAM .....	Chicago.
RUBENS, HARRY .....	Chicago.
RUMMLER, WILLIAM R.....	Chicago.
RUNNELLS, JOHN S.....	Chicago.
RYON, OSCAR B.....	Streator.
SAUTER, L. E.....	Chicago.
SCOTT, FRANK H.....	Chicago.
SCOTT, JAMES BROWN (Washington, D. C.) ..	Champaign.
SEARS, NATHANIEL C.....	Chicago.
SHEEAN, JAMES M.....	Chicago.
SHEPARD, STUART G.....	Chicago.
SHERIFF, ANDREW R.....	Chicago.
SHERMAN, E. B.....	Chicago.
SHOPE, SIMEON P.....	Chicago.
SIDLEY, WILLIAM P.....	Chicago.
SILBER, FREDERICK D.....	Chicago.
SIMS, EDWIN W.....	Chicago.
SMITH, FREDERICK A.....	Chicago.
SMITH, PLINY B.....	Chicago.
STARR, MERRITT .....	Chicago.
STEPHENS, REDMOND D.....	Chicago.
STEVENS, JOHN S.....	Peoria.
STEWART, ROBERT W.....	Chicago.
STILLMAN, HERMAN W.....	Chicago.
STRAWN, SILAS H.....	Chicago.
TAYLOR, THOMAS, JR.....	Chicago.
TENNEY, HORACE KENT.....	Chicago.
THOMAS, MORRIS ST. PALAIS.....	Chicago.
THOMASON, FRANK D.....	Chicago.
THORNTON, CHARLES S.....	Chicago.
TOLMAN, EDGAR B.....	Chicago.
TOWLE, HENRY S.....	Chicago.
ULLMANN, FREDERIC .....	Chicago.
UNDERWOOD, ARTHUR W.....	Chicago.
URION, ALFRED R.....	Chicago.
VEEDER, HENRY .....	Chicago.
VOIGT, JOHN F., JR.....	Mattoon.
VROMAN, CHARLES E.....	Chicago.

## ILLINOIS.—Continued.

WALL, GEORGE W.....	Du Quoin.
WALSH, VINCENT J.....	Chicago.
WARVELLE, GEORGE W.....	Chicago.
WASHBURN, WILLIAM D.....	Chicago.
WELLS, HOSEA W.....	Chicago.
WEST, ROY O.....	Chicago.
WHEELER, ARTHUR DANA.....	Chicago.
WHELOCK, WILLIAM W.....	Chicago.
WHITMAN, RUSSELL .....	Chicago.
WHITTIER, CLARKE B.....	Chicago.
WIGMORE, JOHN H.....	Chicago.
WILKERSON, JAMES H.....	Chicago.
WILLIAMS, E. P.....	Galesburg.
WINDES, THOMAS G.....	Chicago.
ZANE, JOHN M.....	Chicago.
ZEISLER, SIGMUND .....	Chicago.

## INDIANA.

ADAMS, ANDREW ADDISON.....	Columbia City.
BAKER, CHARLES S.....	Columbus.
BARRETT, JAMES M.....	Fort Wayne.
BARTHOLOMEW, PLINY W.....	Indianapolis.
BINGHAM, JAMES .....	Indianapolis.
BLAIR, JESSE H.....	Indianapolis.
BOICE, AUGUSTIN .....	Indianapolis.
BOMBERGER, LOUDON F.....	Hammond.
BRADFORD, CHESTER .....	Indianapolis.
BRADY, ARTHUR W.....	Anderson.
BREEN, WILLIAM P.....	Fort Wayne.
BUTLER, NOBLE C.....	Indianapolis.
CARSON, JOHN F.....	Indianapolis.
CHIPMAN, MARCELLUS A.....	Anderson.
COOK, SAMUEL E.....	Huntington.
CUNNINGHAM, GEORGE A.....	Evansville.
DANIELS, EDWARD .....	Indianapolis.
DAVIS, SYDNEY B.....	Terre Haute.
DYE, JOHN T.....	Indianapolis.
ELLIOTT, WILLIAM F.....	Indianapolis.
EVANS, ROWLAND .....	Indianapolis.
FAIRBANKS, CHARLES W.....	Indianapolis.
FESLER, JAMES WILLIAM.....	Indianapolis.
FRASER, DANIEL .....	Fowler.
FREY, PHILIP W.....	Evansville.
FUNKHOUSE, ARTHUR F.....	Evansville.

## INDIANA.—Continued.

GOULD, JOHN H.....	Delphi.
HAMMOND, EDWIN P.....	Lafayette.
HANAN, JOHN W.....	La Grange.
HAWKINS, ROSCOE O.....	Indianapolis.
HAYMOND, WILLIAM T.....	Muncie.
HAYWOOD, GEORGE P.....	Lafayette.
HEATON, OWEN N.....	Fort Wayne.
HEPBURN, CHARLES M. (New York, N. Y.)...	Bloomington.
HOGATE, ENOCH G.....	Bloomington.
HOLMAN, GEORGE WILSON.....	Rochester.
HOPKINS, MURAT W.....	Indianapolis.
INGLER, FRANCIS M.....	Indianapolis.
JAMESON, OVID B.....	Indianapolis.
JOSS, FREDERICK A.....	Indianapolis.
KELLEY, WILLIAM H.....	Richmond.
KERN, JOHN W.....	Indianapolis.
KETCHAM, WILLIAM A.....	Indianapolis.
LOCKWOOD, VIRGIL H.....	Indianapolis.
MARTINDALE, CHARLES .....	Indianapolis.
MILLER, CHARLES W. (Indianapolis).....	Goshen.
MONTGOMERY, OSCAR H.....	Seymour.
MOORES, CHARLES W.....	Indianapolis.
MOORES, MERRILL .....	Indianapolis.
MORRIS, JOHN .....	Fort Wayne.
MYERS, QUINCY A.....	Logansport.
NEWBERGER, LOUIS .....	Indianapolis.
NIEZER, CHARLES M.....	Fort Wayne.
NOEL, JAMES W.....	Indianapolis.
PALMER, TRUMAN F.....	Monticello.
PICKENS, SAMUEL O.....	Indianapolis.
PICKENS, WILLIAM A.....	Indianapolis.
ROBY, FRANK S.....	Auburn.
RUPE, JOHN L.....	Richmond.
SAYLER, SAMUEL M.....	Huntington.
SELLERS, EMOBY B.....	Monticello.
SHERIDAN, HARRY C.....	Frankfort.
SIMMS, DAN W.....	Lafayette.
SMITH, CHARLES W.....	Indianapolis.
SNYDER, CHARLES M.....	Fowler.
SPENCER, CHARLES C.....	Monticello.
STEVENSON, ELMER E.....	Indianapolis.
STUART, WILLIAM V.....	Lafayette.
SWAN, ELBERT M.....	Rockport.
TAYLOR, R. S.....	Fort Wayne.



## INDIANA.—Continued.

TUTHILL, HARRY B.....	Michigan City.
VESEY, ALLEN J.....	Fort Wayne.
VESEY, WILLIAM J.....	Fort Wayne.
WIDAMAN, JOHN D.....	Warsaw.
WILLIAMS, JOHN G.....	Indianapolis.
WOOD, SOLOMON A.....	Fort Wayne.
WURZER, F. HENRY.....	South Bend.

## IOWA.

ANDERSON, MILTON H.....	Hancock.
BALDWIN, W. W.....	Burlington.
BOLLINGER, JAMES WILLS.....	Davenport.
BONSON, ROBERT .....	Dubuque.
BRENNAN, ROBERT .....	Des Moines.
CANADAY, WALTER .....	Marshalltown.
CARR, E. M.....	Manchester.
CLIGGETT, JOHN .....	Mason City.
CRAIG, JOHN E.....	Keokuk.
CROSBY, JAMES O.....	Garnavillo.
CUMMINS, ALBERT B. (U. S. Senate).....	Des Moines.
DALE, HORATIO F.....	Des Moines.
DAVIS, JAMES C.....	Des Moines.
DEERY, JOHN .....	Dubuque.
DENNISON, JOHN D.....	Dubuque.
DEVITT, J. F.....	Muscatine.
DUDLEY, CHARLES A.....	Des Moines.
EATON, WILLARD L.....	Osage.
FLICKINGER, ISAAC N.....	Council Bluffs.
FLYNN, LEO J.....	Dubuque.
FRANTZEN, JOHN P.....	Dubuque.
FULLER, E. DEAN (Mexico City, Mexico)....	Des Moines.
GREGORY, CHARLES NOBLE.....	Iowa City.
GUERNSEY, NATHANIEL T.....	Des Moines.
HARVISON, WILLIAM G.....	Des Moines.
HENRY, GEORGE F.....	Des Moines.
HISE, GEORGE E.....	Des Moines.
HOLSMAN, HENRY B.....	Guthrie Center.
HOUSEL, LORENZO W.....	Humboldt.
LANE, WALLACE R.....	Des Moines.
LEE, CHAUCER G.....	Ames.
LENEHAN, DANIEL J.....	Dubuque.
MATTHEWS, MATTHEW C.....	Dubuque.
MILLER, JESSE A.....	Des Moines.
MOFFIT, JOHN T.....	Tipton.

## IOWA.—Continued.

MOORE, WILLIAM F.....	Guthrie Center.
MURPHY, DANIEL D.....	Elkader.
MCCLAIN, EMLIN .....	Iowa City.
MCCONLOGUE, JAMES H.....	Mason City.
MCPHERSON, SMITH .....	Redoak.
NORRIS, WILLIAM H.....	Manchester.
NORTHRUP, FRANK E.....	Marshalltown.
OEWIG, RALPH .....	Des Moines.
PARRISH, ROBERT L.....	Des Moines.
PERRY, EUGENE D.....	Des Moines.
QUARTON, WILLIAM B.....	Algona.
READ, WILLIAM L.....	Des Moines.
REED, CARL W.....	Cresco.
REED, H. T.....	Cresco.
ROBERTS, WILLIAM J.....	Keokuk.
ROCKAFELLOW, J. B.....	Atlanta.
SAWYER, HAZEN I.....	Keokuk.
SHERWIN, JOHN C.....	Mason City.
SHIRAS, OLIVER P.....	Dubuque.
STILLMAN, WALTER S. (Omaha, Neb.).....	Council Bluffs.
STIPP, HARLEY H.....	Des Moines.
STRAUS, OSCAR .....	Des Moines.
SWETTING, ERNEST V.....	Algona.
THORNE, CLIFFORD .....	Washington.
WADE, M. J.....	Iowa City.
WALLINGFORD, JOHN D.....	Des Moines.
WALSH, MARK A.....	Clinton.
WEAVER, JR., JAMES B.....	Des Moines.
WHITMORE, CHESTER W.....	Ottumwa.
WILCOX, ELMER A.....	Iowa City.
WRIGHT, CARROLL .....	Des Moines.
YOUNKER, B. A.....	Des Moines.

## KANSAS.

ALLEN, STEPHEN H.....	Topeka.
BENTON, C. E.....	Fort Scott.
BIDDLE, W. R.....	Fort Scott.
BROWN, W. W.....	Parsons.
CAMPBELL, J. J.....	Pittsburg.
CLARK, ELMER C.....	Oswego.
CRAIN, JOHN H.....	Fort Scott.
DILLARD, W. P.....	Fort Scott.
DOSTER, FRANK .....	Topeka.
FITZPATRICK, W. S.....	Independence.

## KANSAS.—Continued.

FITZWILLIAM, F. P.....	Leavenworth.
GAITSKILL, BENNETT S.....	Girard.
GLEED, JAMES WILLIS.....	Topeka.
GREEN, J. W.....	Lawrence.
HAWKES, S. N.....	Stockton.
HIGGINS, WILLIAM E.....	Lawrence.
HOLT, WILLIAM G.....	Kansas City.
HUDSON, B. F.....	Atchison.
JONES, JOHN J.....	Chanute.
KEENE, A. M.....	Fort Scott.
LARIMER, JEREMIAH B.....	Topeka.
MOORE, J. McCABE.....	Kansas City.
MULVANE, DAVID W.....	Topeka.
McCLINTOCK, W. S.....	Topeka.
OER, JAMES W.....	Atchison.
OSBORN, EDWARD D.....	Topeka.
POLLOCK, JOHN C.....	Kansas City.
PORTER, SILAS .....	Topeka.
PULSIFER, PARK B.....	Concordia.
SCANDRETT, HENRY A.....	Topeka.
SLONECKER, J. G.....	Topeka.
SMITH, CHARLES BLOOD.....	Topeka.
SMITH, CHARLES W.....	Stockton.
TURNER, ROBERT WILSON.....	Mankato.
WAGGENER, BALIE P.....	Atchison.
WAGGENER, WILLIAM P.....	Atchison.
WALKER, PAUL E.....	Topeka.

## KENTUCKY.

ALLEN, JOHN R.....	Lexington.
ALLEN, LAFON .....	Louisville.
ANDERSON, THORNWELL G.....	Middlesboro.
APPERSON, LEWIS .....	Mt. Sterling.
AYRES, WILLIAM .....	Pineville.
BASKIN, JOHN B.....	Louisville.
BINGHAM, ROBERT W.....	Louisville.
BRANDEIS, ALBERT S.....	Louisville.
BREATHITT, JAMES .....	Frankfort.
BRUCE, HELM .....	Louisville.
BULLITT, THOMAS W.....	Louisville.
BULLITT, WILLIAM MARSHALL.....	Louisville.
CALHOUN, C. C. (Washington, D. C.).....	Lexington.
CALVERT, CLEON K.....	Hyden.
COCHRAN, ANDREW M. J.....	Maysville.

## KENTUCKY.—Continued.

COX, ATTILLA, JR.....	Louisville.
DAVIS, WILLIAM T.....	Pineville.
DOOLAN, JOHN C.....	Louisville.
DUBOSE, JOHN EDWIN.....	Bowling Green.
DURELLE, GEORGE .....	Louisville.
FAIRLEIGH, JAMES FRANKLIN.....	Louisville.
FLEXNER, BERNARD .....	Louisville.
GATES, JOHN C.....	Princeton.
GILBERT, GEORGE G.....	Shelbyville.
GORDON, MAURICE KIRBY.....	Madisonville.
GRUBBS, CHARLES S.....	Louisville.
HARRIS, W. O.....	Louisville.
HELM, JAMES P.....	Louisville.
HIEATT, CLARENCE C.....	Louisville.
HINES, EDWARD W.....	Louisville.
HOPKINS, ARTHUR E.....	Louisville.
HUGHES, D. H.....	Paducah.
JEFFRIES, JAMES H.....	Pineville.
KOHN, AARON .....	Louisville.
LEWIS, WILLIAM .....	London.
LINDSAY, WILLIAM .....	Frankfort.
MACPHERSON, ERNEST .....	Louisville.
METCALF, CHARLES W.....	Pineville.
MOCQUOT, JAMES DENIS.....	Paducah.
MCDERMOTT, EDWARD J.....	Louisville.
MCDONALD, EDWARD L.....	Louisville.
PATTERSON, NEWTON REID.....	Pineville.
QUARLES, JAMES .....	Louisville.
RAY, CHARLES T.....	Louisville.
REED, WILLIAM M.....	Paducah.
ROBBINS, JOSEPHUS EWING.....	Mayfield.
ROUSE, SHELLEY D.....	Covington.
SETTLE, WARNER ELLMORE.....	Bowling Green.
SHERLEY, SWAGAR .....	Louisville.
SIMS, JAMES CASWELL.....	Bowling Green.
STOLL, RICHARD C.....	Lexington.
STONE, HENRY L.....	Louisville.
THOMAS, GUS. ....	Mayfield.
THORNTON, ROBERT A.....	Lexington.
THROCKMORTON, ARCHIBALD HALL.....	Danville.
THUM, WILLIAM WARWICK.....	Louisville.
TOMLIN, JOHN G.....	Walton.
TRABUE, EDMUND F.....	Louisville.
WALTER, LUTHER M. (Wash., D. C.).....	Louisa.

## KENTUCKY.—Continued.

WHEELER, CHARLES K.....	Paducah.
WORTHAM, JAMES S.....	Leitchfield.
YEAMAN, JAMES M.....	Henderson.

## LOUISIANA.

ALEXANDER, TALIAFERRO .....	Shreveport.
ANSLEY, H. M.....	New Orleans.
ARMSTRONG, JOHNSTON .....	New Orleans.
BARRET, THOMAS C.....	Shreveport.
BEATTIE, TAYLOR .....	Thibodaux.
BELL, T. F.....	Shreveport.
BELL, WILLIAM ALEXANDER.....	New Orleans.
BLANCHARD, NEWTON C.....	Shreveport.
BOARMAN, ALECK .....	Shreveport.
BOATNER, MARK M.....	New Orleans.
BREAUX, JOSEPH A.....	New Iberia.
BRICE, ALBERT G.....	New Orleans.
BROUSSARD, ROBERT F.....	New Iberia.
BROWNE, E. WAYLES.....	Shreveport.
BRUENN, BERNARD .....	New Orleans.
BRUNOT, H. F.....	Baton Rouge.
BUCK, CHARLES FRANCIS.....	New Orleans.
CAHN, EDGAR M.....	New Orleans.
CARBOLL, CHARLES .....	New Orleans.
CARROLL, JOSEPH WHEADON.....	New Orleans.
CARTER, HENRY J.....	New Orleans.
CARVER, M. H.....	Natchitoches.
CHAFFE, DAVID B. H.....	New Orleans.
CHRETEN, FRANK D.....	New Orleans.
COCO, ADOLPH VALEBY.....	Marksville.
DART, HENRY P.....	New Orleans.
DAVEY, JR., JOHN C.....	New Orleans.
DENEGRÉ, GEORGE .....	New Orleans.
DENEGRÉ, WALTER D.....	New Orleans.
DINKELSPIEL, MAX .....	New Orleans.
DUBUISSON, E. B.....	Opelousas.
DUCHAMP, CHARLES A.....	New Orleans.
DUFOUR, H. GENERES.....	New Orleans.
DUFOUR, HORACE L.....	New Orleans.
DUFOUR, WILLIAM C.....	New Orleans.
EDWARDS, B. P.....	Arcadia.
ELLIS, S. D.....	Amite City.
ELLIS, THOMAS C. W.....	New Orleans.

## LOUISIANA.—Continued.

ESTOPINAL, JR., A.....	St. Bernard.
FARRAR, EDGAR H.....	New Orleans.
FENNER, CHARLES E.....	New Orleans.
FENNER, CHARLES PAYNE.....	New Orleans.
FLORANCE, ERNEST T.....	New Orleans.
FORMAN, BENJAMIN RICE.....	New Orleans.
FOSTER, RUFUS E.....	New Orleans.
GILMORE, SAMUEL L.....	New Orleans.
GLEASON, W. L.....	New Orleans.
GODCHAUX, EMILE .....	New Orleans.
HALL, HARRY H.....	New Orleans.
HART, W. O.....	New Orleans.
HEROLD, S. L.....	Shreveport.
HORNOB, GUY M.....	New Orleans.
HUDSON, E. M.....	New Orleans.
HUNT, CARLETON .....	New Orleans.
KEMP, BOLIVAR E.....	Amite.
KERNAN, THOMAS J.....	Baton Rouge.
KING, FREDERICK D.....	New Orleans.
KITTREDGE, IVY G.....	New Orleans.
LAND, ALFRED D.....	New Orleans.
LAWRASON, SAMUEL MCC.....	St. Francisville.
LEAKE, HUNTER C.....	New Orleans.
LEAKE, WILLIAM WALTER.....	St. Francisville.
LEGÈNDRE, JAMES .....	New Orleans.
LEMLE, GUSTAVE .....	New Orleans.
MERRICK, EDWIN T.....	New Orleans.
MILLER, JOHN D.....	New Orleans.
MILLING, R. E.....	Franklin.
MILNER, P. M.....	New Orleans.
MONROE, J. BLANC.....	New Orleans.
MOONEY, HENRY .....	New Orleans.
MOORE, I. D.....	New Orleans.
MCCLOSKEY, BERNARD .....	New Orleans.
MCGUIRK, ARTHUR .....	New Orleans.
O'DONNELL, LAWRENCE .....	New Orleans.
O'NEILL, CHARLES A.....	Franklin.
OVERTON, WINSTON .....	Lake Charles.
PARKERSON, WILLIAM STIRLING.....	New Orleans.
PARSONS, EDWARD A.....	New Orleans.
PERKINS, ROBERT J.....	New Orleans.
PETERS, ARTHUR JOHN.....	New Orleans.
PROWELL, JOEL J.....	New Orleans.

## LOUISIANA.—Continued.

PUGH, JOHN C.....	Shreveport.
PUJO, ARSENE P.....	Lake Charles.
QUINTERO, LAMAR G.....	New Orleans.
RANDOLPH, EDWARD H.....	Shreveport.
ROMAIN, ARMAND .....	New Orleans.
ROSSER, J. B., JR.....	New Orleans.
ROUSE, JOHN D.....	New Orleans.
SANDERS, J. Y.....	Baton Rouge.
SAUNDERS, EUGENE D.....	New Orleans.
SKINNER, EDWARD K.....	New Orleans.
SOMERVILLE, W. B.....	New Orleans.
SOMPAYRAC, PAUL AMBROSE.....	New Orleans.
SPEARING, J. ZACH.....	New Orleans.
STORY, HAMPDEN .....	Crowley.
STUBBS, FRANK P., JR.....	Monroe.
ST. PAUL, JOHN.....	New Orleans.
SUTHERLIN, E. W.....	Shreveport.
TERRIBERRY, GEORGE HUTCHINS.....	New Orleans.
THEARD, CHARLES J.....	New Orleans.
THEARD, GEORGE HENRY.....	New Orleans.
THILBORGER, EDWARD J.....	New Orleans.
THOMAS, FRANK B.....	New Orleans.
THORNTON, J. R.....	Alexandria.
TOBIN, JOHN F.....	New Orleans.
WAGUESPACK, W. J.....	New Orleans.
WALDO, BENJAMIN T.....	New Orleans.
WALDO, JOHN F. C.....	New Orleans.
WALKER, THOMPSON B.....	New Orleans.
WALL, ISAAC D.....	Clinton.
WALL, WILLIAM WINANS.....	New Orleans.
WALTON, J. F.....	New Orleans.
WATKINS, JOHN T. (Wash., D. C.).....	Minden.
WEAR, GEORGE .....	Columbia.
WHITE, H. H.....	Alexandria.
WILLIAMSON, W. B.....	Leesville.
WISE, WILLIAM H.....	Shreveport.
WOLFF, SOLOMON .....	New Orleans.
ZUNTZ, JAMES E.....	New Orleans.

## MAINE.

ALLEN, FRED. J.....	Sanford.
ANTHOINE, WILLIAM R.....	Portland.
APPLETON, FREDERICK H.....	Bangor.

## MAINE.—Continued.

AYER, HARRY B.....	Biddeford.
BASSETT, NORMAN L.....	Augusta.
BATES, SOLOMON W.....	Portland.
BEANE, FRED. EMERY.....	Hallowell.
BELCHER, S. CLIFFORD.....	Farmington.
BIRD, GEORGE E.....	Portland.
BISBEE, GEORGE D.....	Rumford Falls.
BLANCHARD, ALBERT L.....	Bangor.
BLANCHARD, CYRUS N.....	Wilton.
BODGE, EUGENE L.....	Portland.
BOOTH, CHARLES D.....	Portland.
BRADBURY, JAMES O.....	Saco.
BRADLEY, WILLIAM M.....	Portland.
BRIGGS, CHARLES G.....	Portland.
BURLEIGH, LEWIS A.....	Augusta.
BUTLER, AMOS K.....	Skowhegan.
BUTLER, FRANK W.....	Farmington.
CALLAHAN, DENNIS J.....	Lewiston.
CARTER, SETH M.....	Lewiston.
CHAROT, JOSEPH G.....	Lewiston.
CHAPMAN, WILFORD G.....	Portland.
CLARK, HUGO .....	Bangor.
CLEAVES, BENJAMIN F.....	Biddeford.
CLEAVES, HENRY B.....	Portland.
CLIFFORD, NATHAN .....	Portland.
COBB, JOHN C.....	Portland.
COOK, CHARLES SUMNER.....	Portland.
CORNISH, LESLIE C.....	Augusta.
CROCKETT, RALPH W.....	Lewiston.
DAVIES, HOWARD .....	Portland.
DEASY, LUEBE B.....	Bar Harbor.
DEERING, HENRY .....	Portland.
DEERING, JOHN P.....	Saco.
DONWORTH, CLEMENT B.....	Machias.
DRUMMOND, JOSIAH H.....	Portland.
DUNTON, ROBERT F.....	Belfast.
DYER, ISAAC W.....	Portland.
EASTMAN, CHASE .....	Portland.
EATON, HARVEY DOANE.....	Waterville.
EMERY, GEORGE L.....	Biddeford.
EMERY, LUCILIUS A.....	Ellsworth.
EMMONS, WILLIS T.....	Saco.
FELLOWS, OSCAR F.....	Bangor.
FIELD, GEORGE W.....	Oakland.



## MAINE.—Continued.

FLETCHER, BERTRAM L.....	Bangor.
FOX, JAMES C.....	Portland.
FREEMAN, EBEN WINTHROP.....	Portland.
GILLEN, P. H.....	Bangor.
GLEASON, ELWIN H.....	Rumford Falls.
GOODWIN, FORREST .....	Skowhegan.
GOODWIN, GEORGE A.....	Springvale.
GOODWIN, GEORGE B.....	Biddeford.
GULLIVER, WILLIAM H.....	Portland.
HALE, CLARENCE .....	Portland.
HALE, FREDERICK .....	Portland.
HALEY, GEORGE F.....	Biddeford.
HAMLIN, CHARLES .....	Bangor.
HAMLIN, HANNIBAL E.....	Ellsworth.
HANSON, GEORGE M.....	Calais.
HASKELL, FRANK H.....	Portland.
HASTINGS, HENRY H.....	Bethel.
HEATH, HERBERT M.....	Augusta.
HESELTON, GEORGE W.....	Gardiner.
HEWEY, JAMES E. (Portland).....	Alfred.
HIGGINS, FRANK M.....	Limerick.
HINCKLEY, FREDERICK W.....	Portland.
HOBBS, FRED A.....	South Berwick.
HOLMAN, C. VEY (Boston, Mass.).....	Bangor.
HOLWAY, MELVIN SMITH.....	Augusta.
HUSSEY, CHARLES WALTER.....	Waterville.
HUTCHINSON, CHARLES L.....	Portland.
INGRAHAM, WILLIAM M.....	Portland.
JOHNSON, CHARLES F.....	Waterville.
JOHNSON, MERRITT A.....	Rockland.
JONES, FREELAND .....	Bangor.
KEHOE, JOHN B.....	Portland.
KELLEY, ROGERS P.....	Auburn.
KING, ARNO W.....	Ellsworth.
KNOWLTON, JOHN F.....	Ellsworth.
KNOWLTON, WILLIAM J.....	Portland.
LARRABEE, SETH L.....	Portland.
LAUGHLIN, MATTHEW .....	Bangor.
LAUSIER, LOUIS B.....	Biddeford.
LIBBY, CHARLES F.....	Portland.
LIBBY, J. M.....	Mechanics Falls
LITTLEFIELD, ARTHUR S.....	Rockland.
LOONEY, WILLIAM H.....	Portland.
LUMBERT, WALLACE R.....	Caribou.

## MAINE.—Continued.

LYNCH, THOMAS J.....	Augusta.
MADIGAN, JOHN B.....	Houlton.
MANSER, HARRY .....	Auburn.
MARSHALL, FRANK D.....	Portland.
MASON, JOHN ROGERS.....	Bangor.
MATTHEWS, FRED V.....	Portland.
MATTHEWS, WILLIAM S.....	Berwick.
MATTOCKS, CHARLES P.....	Portland.
MEAHER, DENNIS A.....	Portland.
MERRILL, JOHN F. A.....	Portland.
MITCHELL, HENRY L.....	Bangor.
MONTGOMERY, JOB H.....	Camden.
MOORE, JOSEPH E.....	Thomaston.
MORRILL, JOHN A.....	Auburn.
MOULTON, AUGUSTUS F.....	Portland.
MCCARTHY, MATTHEW .....	Rumford Falls.
MCQUILLAN, GEORGE F.....	Portland.
NEWELL, WILLIAM H.....	Lewiston.
NOYES, GEORGE F.....	Portland.
PARKER, RALPH T.....	Rumford Falls.
PARKHURST, FREDERIC H.....	Bangor.
PARSONS, WILLIS E.....	Foxcraft.
PATTEN, HERVEY H.....	Bangor.
PAYSON, FRANKLIN C.....	Portland.
PEABODY, CLARENCE W.....	Portland.
PEAKS, JOSEPH B.....	Dover.
PERRY, STEPHEN C.....	Portland.
PETERS, JOHN A.....	Ellsworth.
PHILBROOK, WARREN C.....	Waterville.
PLAISTED, RALPH PARKER.....	Bangor.
POWERS, FREDERICK A.....	Houlton.
ROBINSON, FRANK W.....	Portland.
RYDER, ERASTUS C.....	Bangor.
SAVAGE, ALBERT R.....	Auburn.
SAWYER, CLARENCE E.....	Brunswick.
SEIDERS, GEORGE M.....	Portland.
SEWELL, HAROLD M.....	Bath.
SKELTON, WILLIAM B.....	Lewiston.
SMALL, CHARLES O.....	Madison.
SMALL, FRANK J.....	Waterville.
SMITH, BERTRAM L.....	Patten.
SMITH, JOHN G.....	Saco.
SMITH, REUEL W.....	Auburn.
SNOW, DAVID W.....	Portland.

## MAINE.—Continued.

STEARNS, ABETAS E.....	Rumford Falls.
SWASEY, JOHN P. (Washington, D. C.).....	Canton.
SYMONDS, JOSEPH W.....	Portland.
TALBOT, THOMAS L.....	Portland.
THOMPSON, BENJAMIN .....	Portland.
THOMPSON, WILLIAM P.....	Belfast.
TIMBERLAKE, FREMONT E.....	Portland.
TOMPSON, EDWARD F.....	Portland.
TRIPP, WILLIAM M.....	Wells.
TROTT, JOSEPH M.....	Bath.
TURNER, LEVI .....	Portland.
VERNON, IRVING E.....	Portland.
VERRILL, HARRY M.....	Portland.
VIRGIN, HARRY RUSH.....	Portland.
WARD, BENJAMIN G.....	Portland.
WEBB, RICHARD .....	Portland.
WEBBER, GEORGE CURTIS.....	Auburn.
WHITE, WALLACE H.....	Lewiston.
WHITEHOUSE, ROBERT T.....	Portland.
WHITEHOUSE, WILLIAM P.....	Augusta.
WILSON, F. A.....	Bangor.
WILSON, SCOTT .....	Portland.
WILSON, VIRGIL C.....	Portland.
WING, GEORGE CURTIS.....	Auburn.
WOODMAN, ALBERT S.....	Portland.
WOODMAN, EDWARD .....	Portland.

## MARYLAND.

ADKINS, WILLIAM H.....	Easton.
ALEXANDER, JULIAN J.....	Baltimore.
ASH, DAVID .....	Baltimore.
BARROLL, HOPE H.....	Chestertown.
BERNARD, RICHARD .....	Baltimore.
BONAPARTE, CHARLES J.....	Baltimore.
BOWERS, JR., JAMES W.....	Baltimore.
BOYD, A. HUNTER.....	Cumberland.
BRANTLY, WILLIAM T.....	Baltimore.
BRISCOE, JOHN P.....	Prince Frederick.
BUCKLER, WILLIAM H. (Madrid, Spain).....	Baltimore.
BURGER, LOUIS J.....	Baltimore.
CAREY, FRANCIS K.....	Baltimore.
CARTER, CHARLES H.....	Baltimore.
DAWKINS, WALTER I.....	Baltimore.
DAWSON, WILLIAM H.....	Baltimore.

## MARYLAND.—Continued.

DENNIS, JAMES U.....	Baltimore.
DEVECMON, WILLIAM C.....	Cumberland.
DONNELLY, EDWARD A.....	Baltimore.
DOUB, ALBERT A.....	Cumberland.
FINK, CHARLES E.....	Westminster.
GANS, EDGAR H.....	Baltimore.
GILL, JOHN, JR.....	Baltimore.
GOLDSBOROUGH, T. ALAN.....	Denton.
GREGG, MAURICE .....	Baltimore.
HARLAN, HENRY D.....	Baltimore.
HARLEY, CHARLES F.....	Baltimore.
HAYES, THOMAS G.....	Baltimore.
HENDERSON, ROBERT R.....	Cumberland.
HEUISLER, CHARLES W.....	Baltimore.
HINKLEY, JOHN .....	Baltimore.
HISKY, THOMAS FOLEY.....	Baltimore.
HOWARD, CHARLES MORRIS.....	Baltimore.
HUGHES, THOMAS .....	Baltimore.
KENNEY, MARTIN G.....	Baltimore.
LEAKIN, J. WILSON.....	Baltimore.
LEE, BLAIR (Washington, D. C.).....	Silver Spring.
MACKENZIE, THOMAS .....	Baltimore.
MARBURY, WILLIAM L.....	Baltimore.
MARSHALL, R. E. LEE.....	Baltimore.
MILES, JOSHUA W.....	Princess Anne.
MORRIS, THOMAS J.....	Baltimore.
MULLIN, MICHAEL A.....	Baltimore.
NILES, ALFRED S.....	Baltimore.
OFFUTT, THIEMANN SCOTT.....	Towson.
PERKINS, WILLIAM H., JR.....	Baltimore.
PURNELL, CLAYTON .....	Frostburg.
RICHMOND, BENJAMIN A.....	Cumberland.
RITCHIE, ALBERT C.....	Baltimore.
ROGERS, ROBERT LYON.....	Baltimore.
SCHMUCKER, SAMUEL D.....	Baltimore.
SHARP, GEORGE M.....	Baltimore.
SLOAN, D. LINDLEY.....	Cumberland.
SMITH, ROBERT H.....	Baltimore.
STEUART, ARTHUR .....	Baltimore.
STOCKBRIDGE, HENRY .....	Baltimore.
SURRATT, WILLIAM H.....	Baltimore.
TIPPETT, RICHARD B.....	Baltimore.
TURNER, FRANK G.....	Baltimore.
WALSH, WILLIAM E.....	Cumberland.

## MARYLAND.—Continued.

WALTER, MOSES R.....	Baltimore.
WARFIELD, EDWIN .....	Baltimore.
WATERS, J. S. T.....	Baltimore.
WHITELOCK, GEORGE .....	Baltimore.
WILLIAMS, HENRY W.....	Baltimore.
WILLIAMS, STEVENSON A.....	Bel Air.
WILMER, L. ALLISON.....	La Plata.
WOLFF, OSCAR .....	Baltimore.

## MASSACHUSETTS.

• ABELE, GEORGE W.....	Boston.
ADAMS, WALTER .....	So. Framingham.
ALLEN, F. STURGES (New York, N. Y.).....	Springfield.
ALLEN, FRANK D.....	Boston.
AMES, JAMES BARR.....	Cambridge.
ANDERSON, ELBRIDGE R.....	Boston.
ANDERSON, GEORGE W.....	Boston.
APPLETON, JOHN H.....	Boston.
ATHERTON, PERCY A.....	Boston.
BAILEY, HOLLIS R.....	Boston.
BARNES, CHARLES B., JR.....	Boston.
BEALE, JOSEPH HENRY, JR.....	Cambridge.
BELL, CHARLES U.....	Andover.
BENNETT, SAMUEL C.....	Boston.
BIGELOW, MELVILLE M.....	Boston.
BLACKMUR, PAUL R.....	Boston.
BLODGETT, EDWARD E.....	Boston.
BOND, LAWRENCE .....	Boston.
BRANDEIS, LOUIS D.....	Boston.
BRANNAN, J. DODDRIDGE.....	Cambridge.
BRAYTON, ISRAEL .....	Fall River.
BREWER, DANIEL CHAUNCEY.....	Boston.
BULLOCK, A. G.....	Worcester.
BUMPUS, EVERETT C.....	Boston.
BURNHAM, ADDISON C.....	Boston.
CARVER, EUGENE P.....	Boston.
CHAMBERLAYNE, CHARLES F.....	Monument Beach.
CHAMPLIN, EDGAR R.....	Boston.
CHANDLER, ALFRED D.....	Boston.
CLAPP, ROBERT P.....	Lexington.
CLARK, CHESTER W.....	Boston.
CLARK, I. R.....	Boston.
CLIFFORD, CHARLES W.....	New Bedford.

## MASSACHUSETTS.—Continued.

COAKLEY, DANIEL H.....	Boston.
COAKLEY, TIMOTHY W.....	Boston.
COOLIDGE, WILLIAM H.....	Boston.
COPELAND, ALFRED M.....	Springfield.
COTTER, JAMES E.....	Boston.
CRAPO, WILLIAM W.....	New Bedford.
CROCKER, GEORGE G.....	Boston.
CROSBY, JOHN C.....	Pittsfield.
CUNNINGHAM, FREDERIC .....	Boston.
CUNNINGHAM, HENRY V.....	Boston.
DENNISON, JOSEPH A.....	Boston.
DICKINSON, M. F.....	Boston.
DILLAWAY, W. E. L.....	Boston.
DODGE, FREDERIC .....	Boston.
FALL, GEORGE HOWARD.....	Malden.
FISH, FREDERICK P.....	Boston.
FOSTER, ALFRED D.....	Boston.
FOSTER, REGINALD .....	Boston.
FRENCH, ARTHUR P.....	Boston.
FRENCH, ASA P.....	Boston.
FRENCH, WILLIAM B.....	Boston.
FRIEDMAN, LEE M.....	Boston.
GALLAGHER, CHARLES T.....	Boston.
GALLAGHER, THOMAS F.....	Fitchburg.
GARFIELD, HARRY A.....	Williamstown.
GIDDINGS, CHARLES .....	Great Barrington.
GRAY, J. CONVERSE.....	Boston.
GRAY, JOHN C.....	Boston.
GREENE, FREDERICK L.....	Greenfield.
GRINNELL, CHARLES E.....	Boston.
GRINNELL, FRANK W.....	Boston.
HALE, RICHARD W.....	Boston.
HAMLIN, CHARLES S.....	Boston.
HAMMOND, JOHN C.....	Northampton.
HANNIGAN, JOHN M.....	Boston.
HEMENWAY, ALFRED .....	Boston.
HENDRY, JNO. BURKE (London, Eng.).....	Boston.
HILL, ARTHUR DEHON.....	Boston.
HOWE, ELMER P.....	Boston.
HURLBUTT, HENRY F.....	Boston.
HUTCHINGS, HENRY M.....	Boston.
INNES, CHARLES H.....	Boston.
IRWIN, RICHARD W.....	Northampton.

## MASSACHUSETTS.—Continued.

JENNINGS, ANDREW J.....	Fall River.
JOHNSON, BENJAMIN N.....	Boston.
JONES, LEONARD A.....	Boston.
JONES, STEPHEN R.....	Boston.
JOSLIN, JAMES T.....	Hudson.
KELLEN, WILLIAM V.....	Cohasset.
KING, HENRY W. (New York, N. Y.).....	Worcester.
LADD, BABSON S.....	Boston.
LADD, NATHANIEL W.....	Boston.
LEWENBERG, SOLOMON .....	Boston.
LINSCOTT, DANIEL C.....	Boston.
LONG, HENRY C.....	Boston.
LOWELL, FRANCIS C.....	Boston.
LOWELL, JOHN .....	Boston.
MACLEOD, WILLIAM A.....	Boston.
MALONE, DANA .....	Greenfield.
MORSE, GODFREY .....	Boston.
MORSE, ROBERT M.....	Boston.
MORTON, MARCUS .....	Boston.
MYERS, JAMES J.....	Boston.
MCCLENCH, WILLIAM W.....	Springfield.
MCCONNELL, JAMES E.....	Boston.
MCEVOY, JOHN W.....	Lowell.
MCLAUGHLIN, JOHN D.....	Boston.
NILES, WILLIAM H.....	Lynn.
NUTTER, GEORGE R.....	Boston.
OLMSTEAD, JAMES M.....	Boston.
OLNEY, RICHARD .....	Boston.
PARKER, HERBERT .....	Boston.
PAYSON, EDWARD P.....	Boston.
PEARL, FRANCIS H.....	Haverhill.
PELLETIER, JOSEPH C.....	Boston.
PEVEY, GILBERT A. A.....	Boston.
PICKMAN, JOHN J.....	Lowell.
PILLSBURY, ALBERT E.....	Boston.
PINKERTON, ALFRED S.....	Worcester.
PROCTOR, THOMAS W.....	Boston.
PUTNAM, WILLIAM L.....	Boston.
RACKEMAN, CHARLES S.....	Boston.
RANNEY, FLETCHER .....	Boston.
RICHARDSON, W. K.....	Boston.
ROBERTS, GEORGE L.....	Boston.
ROGERS, FOSTER .....	Boston.

## MASSACHUSETTS.—Continued.

RUGG, ARTHUR P.....	Worcester.
SAWYER, ALFRED P.....	Lowell.
SAXE, JOHN W.....	Boston.
SCAIFE, LAURISTON L.....	Boston.
SCHOFIELD, WILLIAM .....	Malden.
SEARS, RUSSELL A.....	Boston.
SHEPARD, HARVEY N.....	Boston.
SHERMAN, ROLAND G.....	Boston.
SLOCUM, EDWARD T.....	Pittsfield.
SLOCUM, WINFIELD S.....	Boston.
SMITH, FRANK BULKELEY.....	Worcester.
SMITH, HENRY HYDE.....	Boston.
SMITH, JEREMIAH, JR.....	Boston.
SOUTHARD, LOUIS C.....	Boston.
SPRING, ARTHUR L.....	Boston.
STONE, FREDERIC M.....	Boston.
STOREY, MOORFIELD .....	Boston.
SWAIN, ROGER DYER (Boston).....	Cambridge.
SWAN, CHARLES H.....	Boston.
SWAN, WILLIAM W.....	Boston.
SWASEY, GEORGE R.....	Boston.
TAFT, GEORGE S.....	Worcester.
THAYER, EZRA R.....	Boston.
TUCKER, GEORGE F.....	Boston.
TYLER, CHARLES H.....	Boston.
VAN EVEREN, HORACE.....	Cambridge.
VINCENT, WILLIAM H.....	Boston.
VOORHEES, HARVEY C.....	Boston.
WAMBAUGH, EUGENE .....	Cambridge.
WARNER, HENGY E.....	Boston.
WARNER, JOSEPH B.....	Boston.
WARREN, EDWARD H.....	Boston.
WARREN, SAMUEL D.....	Boston.
WATERS, ASA W.....	Cambridge.
WELLMAN, ARTHUR H.....	Boston.
WESTON, ROBERT DICKSON.....	Boston.
WHIPPLE, SHERMAN L.....	Boston.
WHITE, LUTHER .....	Chicopee.
WILLIAMS, DAVID W.....	Boston.
WILLISTON, SAMUEL (Cambridge).....	Belmont.
WRIGHTINGTON, S. R.....	Boston.
WYMAN, HENRY A.....	Boston.



## MICHIGAN.

ALTLAND, DANIEL F.....	Detroit.
ANTISDEL, JOHN P.....	Detroit.
ARTHUR, JESSE .....	Battle Creek.
BALDWIN, CLARK E.....	Adrian.
BALL, DAN H.....	Marquette.
BANCKER, ENOCH .....	Jackson.
BARLOW, BURT E.....	Coldwater.
BARNETT, JAMES F.....	Grand Rapids.
BATES, GEORGE W.....	Detroit.
BATES, HENRY M.....	Ann Arbor.
BEAUMONT, JOHN W.....	Detroit.
BISSELL, JOHN H.....	Detroit.
BOUDEMAN, DALLAS .....	Kalamazoo.
BREWSTER, JAMES H.....	Ann Arbor.
BROWNSON, ROBERT M.....	Detroit.
BUNDY, McGEORGE .....	Grand Rapids.
BUNKER, ROBERT E.....	Ann Arbor.
CAMPBELL, CHARLES H.....	Detroit.
CAMPBELL, HENRY M.....	Detroit.
CARMODY, MARTIN H.....	Grand Rapids.
CARPENTER, WILLIAM L.....	Detroit.
CARTON, JOHN J.....	Flint.
CASGRAIN, CHARLES W.....	Detroit.
CHADBOURNE, THOMAS L.....	Houghton.
CHAPPELL, FRED. L.....	Kalamazoo.
CHOATE, WARD N.....	Detroit.
CLARK, JOSEPH H.....	Detroit.
CORLISS, JOHN B.....	Detroit.
COVELL, GEORGE V.....	Traverse City.
CROSS, GEORGE H.....	Traverse City.
DANAHER, MICHAEL B.....	Ludington.
DENISON, ARTHUR C.....	Grand Rapids.
DICKINSON, DON M.....	Trenton.
DICKINSON, JULIAN G.....	Detroit.
DOUGLAS, SAMUEL T.....	Detroit.
DRIGGS, FREDERICK E.....	Detroit.
DUFFIELD, HENRY M.....	Detroit.
DURAND, LORENZO T.....	Saginaw, E. S.
EARL, OTIS A.....	Kalamazoo.
EMMONS, HAROLD H.....	Detroit.
ENGELHARD, CHARLES .....	Detroit.
FELLOWS, GRANT .....	Hudson.
FULLER, JAY .....	Detroit.

## MICHIGAN.—Continued.

GAGE, ALEXANDER K.....	Detroit.
GRAVES, HENRY B.....	Detroit.
GRAY, WILLIAM J.....	Detroit.
GRISWOLD, NORRIS O.....	Greenville.
HANCHETT, BENTON .....	Saginaw, W. S.
HARMON, HENRY A.....	Detroit.
HARWARD, FREDERICK T.....	Detroit.
HATCH, HARVEY B.....	Marquette.
HATCH, WILLIAM B.....	Ypsilanti.
HAYDEN, ASA K.....	Cassopolis.
HUTCHINS, HARRY B.....	Ann Arbor.
HYDE, WESLEY W.....	Grand Rapids.
JANUARY, WILLIAM L.....	Detroit.
JENKINS, FRANK E.....	Oxford.
JONES, ARTHUR .....	Detroit.
JOSLYN, CHARLES D.....	Detroit.
KEENA, JAMES T.....	Detroit.
KEENEY, WILLARD F.....	Grand Rapids.
KELLIE, RONALD SCOTT.....	Detroit.
KENT, CHARLES A.....	Detroit.
KINGSLEY, WILLARD .....	Grand Rapids.
KINNANE, JAMES H.....	Dowagiac.
KNAPPEN, LOYAL E.....	Grand Rapids.
KNAPPEN, STUART E.....	Grand Rapids.
LACY, ARTHUR J.....	Detroit.
LANDMAN, WILLIAM J.....	Grand Rapids.
LIGHTNER, CLARENCE A.....	Detroit.
LILLIE, WALTER I.....	Grand Haven.
LYSTER, HENRY L.....	Detroit.
MACDONALD, WILLIAM J.....	Calumet.
MILLER, SIDNEY T.....	Detroit.
MILLIS, WADE .....	Detroit.
MOORE, JOSEPH B.....	Lansing.
MCHUGH, PHILIP A.....	Detroit.
NEWTON, FREDERICK W.....	Saginaw.
NORRIS, MARK .....	Grand Rapids.
MCMILLAN, PHILIP H.....	Detroit.
O'BRIEN, THOMAS J.....	Grand Rapids.
OSTRANDER, RUSSELL C.....	Lansing.
OXTOBY, JAMES V.....	Detroit.
OXTOBY, WALTER E.....	Detroit.
PATTERSON, JOHN C.....	Marshall.
PATTERSON, JOHN H.....	Pontiac.

## MICHIGAN.—Continued.

PETER, JAMES B.....	Saginaw.
POND, ASHLEY .....	Detroit.
REES, ALLEN F.....	Houghton.
ROBERTSON, CHARLES R.....	Detroit.
ROBSON, FRANK E.....	Detroit.
ROSENBERG, LOUIS J.....	Detroit.
RUSSELL, HENRY .....	Detroit.
SABIN, LELAND H.....	Battle Creek.
SCHIAPPACASSE, JOSEPH T.....	Detroit.
SELLING, BERNARD B.....	Detroit.
SLOMAN, ADOLPH .....	Detroit.
STONE, JOHN W.....	Marquette.
SMITH, HENRY C.....	Adrian.
SMITH, WILLIAM M.....	St. Johns.
STIVERS, FRANK A.....	Ann Arbor.
STODDARD, ELLIOTT J.....	Detroit.
SWIFT, CHARLES M.....	Detroit.
TAGGART, EDWARD .....	Grand Rapids.
TAGGART, GANSON .....	Grand Rapids.
THORNTON, HOWARD A.....	Grand Rapids.
WAIT, HARRY H.....	Detroit.
WEADOCK, THOMAS A. E.....	Detroit.
WEBSTER, CLYDE I.....	Detroit.
WHITTEMORE, JAMES .....	Detroit.
WICKER, W. W.....	Detroit.
WILGUS, HORACE L.....	Ann Arbor.
WILKINS, CHARLES T.....	Detroit.
WILKINSON, ALBERT H.....	Detroit.
WILLIAMS, ARTHUR B.....	Battle Creek.
WILSON, CHARLES M.....	Grand Rapids.
WOLF, GUSTAVE A.....	Grand Rapids.
WOODRUFF, CHARLES M.....	Detroit.
WURZER, LOUIS C.....	Detroit.
YERKES, GEORGE B.....	Detroit.

## MINNESOTA.

ABBOTT, HOWARD S.....	Minneapolis.
ABBOTT, HOWARD T.....	Duluth.
AGATIN, A. L.....	Duluth.
ALBERT, CHARLES S.....	Minneapolis.
ANKENY, A. T.....	Minneapolis.
ABCTANDER, JOHN W.....	Minneapolis.
ARMSTRONG, JAMES D.....	St. Paul.

## MINNESOTA.—Continued.

BAILEY, WILLIAM D.....	Duluth.
BALDWIN, ALBERT .....	Duluth.
BARBOWS, MORTON .....	St. Paul.
BARTA, FERDINAND .....	St. Paul.
BARTLETT, WILLIAM W.....	Minneapolis.
BARTON, HUMPHREY .....	St. Paul.
BAXTER, JOHN T.....	Minneapolis.
BAXTER, LUTHER L.....	Fergus Falls.
BECHHOEFER, CHARLES .....	St. Paul.
BEGG, WILLIAM R.....	St. Paul.
BEST, JAMES I.....	Minneapolis.
BOOTH, WILBUR F.....	Minneapolis.
BRIGGS, ASA G.....	St. Paul.
BRIGHT, MICHAEL S.....	Duluth.
BROOKS, FRANK C.....	Minneapolis.
BROWN, LESLIE L.....	Winona.
BROWN, ROME G.....	Minneapolis.
BUCKHAM, THOMAS S.....	Faribault.
BUFFINGTON, EDWIN D.....	Stillwater.
BUFFINGTON, GEORGE W.....	Minneapolis.
BUNN, CHARLES W.....	St. Paul.
BUNN, GEORGE L.....	St. Paul.
BURCHARD, JOHN E.....	St. Paul.
BURE, STILES W.....	St. Paul.
BUTLER, PIERCE .....	St. Paul.
CAIRNS, CHARLES S.....	Minneapolis.
CANT, WILLIAM A.....	Duluth.
CASH, DANIEL G.....	Duluth.
CATHERWOOD, S. D.....	Austin.
CHAPIN, WALTER L.....	St. Paul.
CHASE, NATHAN H.....	Minneapolis.
CHILD, S. R.....	Minneapolis.
CHILDS, CLARENCE H.....	Minneapolis.
CHRISMAN, CHARLES E.....	Ortonville.
CLAPP, NEWEL H.....	St. Paul.
CLARK, HOMER P.....	St. Paul.
COBB, ALBERT C.....	Minneapolis.
COHEN, EMANUEL .....	Minneapolis.
COMFORT, F. V.....	Stillwater.
CONGDON, CHESTER A.....	Duluth.
COTTON, JOSEPH B.....	Duluth.
CRANE, JAY W.....	Minneapolis.
CRAY, W. R.....	Minneapolis.

## MINNESOTA.—Continued.

CROSBY, WILSON G.....	Duluth.
CUTTING, WILLIAM H.....	Buffalo.
DAGGETT, THOMAS C.....	St. Paul.
DALEY, ANDREW J.....	Luverne.
D'AUTREMONT, CHARLES, JR.....	Duluth.
DENEGRE, JAMES D.....	St. Paul.
DEUTSCH, HENRY .....	Minneapolis.
DIBELL, HOMER B.....	Duluth.
DICKEY, J. M.....	St. Paul.
DICKINSON, H. D.....	Minneapolis.
DILLE, JOHN I.....	Minneapolis.
DODGE, FRED B.....	Minneapolis.
DODGE, WILLIS EDWARD.....	Minneapolis.
DOUGLAS, MARION .....	Duluth.
DURMENT, EDMUND S.....	St. Paul.
DUXBURY, W. R.....	St. Paul.
DWINNELL, W. S.....	Minneapolis.
ECKSTEIN, JOSEPH A.....	New Ulm.
ENSIGN, JOSIAH D.....	Duluth.
EWING, ARTHUR W.....	Dawson.
EWING, FRANK H.....	St. Paul.
FAIRCHILD, EDWIN K.....	Minneapolis.
FARNHAM, CHARLES W.....	St. Paul.
FINNEY, A. C.....	Minneapolis.
FISH, DANIEL .....	Minneapolis.
FISK, DEWITT H.....	Bemidji.
FLANNERY, GEORGE P.....	Minneapolis.
FOSNES, C. A.....	Montevideo.
FOULKE, WILLIAM .....	St. Paul.
FOWLER, CHARLES R.....	Minneapolis.
FRANKEL, L. R.....	St. Paul.
FRENCH, LAFAYETTE .....	Austin.
FRYBERGER, H. B.....	Duluth.
FRYBERGER, HARRISON E.....	Minneapolis.
FURST, WILLIAM .....	Minneapolis.
GALE, EDWARD C.....	Minneapolis.
GERMO, THOMAS .....	Red Lake Falls.
GJERTSEN, HENRY J.....	Minneapolis.
GREENMAN, F. W.....	Austin.
HADLEY, EMERSON .....	St. Paul.
HALBERT, CLARENCE W.....	St. Paul.
HALBERT, HUGH T.....	St. Paul.
HALE, WILLIAM E.....	Minneapolis.

## MINNESOTA.—Continued.

HALL, ALBERT H.....	Minneapolis
HALLAM, OSCAR .....	St. Paul.
HANLEY, MARTIN FRANKLIN.....	Minneapolis.
HARRIES, W. H. (St. Paul).....	Caledonia.
HARRIS, HAROLD .....	St. Paul.
HARRIS, L. C.....	Duluth.
HAUPT, CHARLES C.....	St. Paul.
HAY, EUGENE G. (New York, N. Y.).....	Minneapolis
HOLT, ANDREW .....	Minneapolis.
HOW, JARED .....	St. Paul.
HUDSON, T. T.....	Duluth.
HULL, LOUIS K.....	Minneapolis
JACKSON, ANSON B.....	Minneapolis.
JAGGARD, EDWIN A.....	St. Paul.
JAYNE, TRAFFORD N.....	Minneapolis.
JENSWOLD, JOHN, JR.....	Duluth.
KEITH, ARTHUR M.....	Minneapolis.
KELLOG, FRANK B.....	St. Paul.
KENNEDY, RICHARD L.....	St. Paul.
KERR, WILLIAM A.....	Minneapolis.
KINGMAN, JOSEPH R.....	Minneapolis.
KNOX, T. J.....	Jackson.
KOON, MARTIN B.....	Minneapolis.
KORNS, E. B.....	Tracy.
KYLE, J. P.....	St. Paul.
LAMBERTON, HENRY M.....	Winona.
LANCASTER, WILLIAM A.....	Minneapolis.
LARIMORE, JOHN A.....	Minneapolis.
LARRABEE, FRANK D.....	Minneapolis.
LARSON, OSCAR J.....	Duluth.
LATHAM, F. E.....	Howard Lake
LAYBOURN, C. G.....	Minneapolis.
LEONARD, GEORGE B.....	Minneapolis.
LEWIS, OLIN B.....	St. Paul.
LIGHTNER, WILLIAM H.....	St. Paul.
LIND, JOHN .....	Minneapolis.
LUM, BURT F.....	Minneapolis.
MARDEN, CHARLES S.....	Barnesville.
MARKHAM, GEORGE W.....	St. Paul.
MASON, ALFRED F.....	St. Paul.
MERCER, HUGH V.....	St. Paul.
MILLER, CLARENCE B. (Washington, D. C.)...	Duluth.
MITCHELL, OSCAR .....	Duluth.
MITCHELL, WILLIAM D.....	St. Paul

## MINNESOTA.—Continued.

MOORE, ALBERT R.....	St. Paul.
MORPHY, E. HOWARD.....	St. Paul.
MORRIS, PAGE .....	Duluth.
MORRISON, ROBERT G.....	Minneapolis.
MUNN, MARCUS D.....	St. Paul.
MCCLENAHAN, WILLIAM S.....	Brainerd.
MCDONALD, E. E.....	Bemidji.
MCGEE, J. F.....	Minneapolis.
MCKENZIE, JOHN .....	Minneapolis.
MCMANUS, A. E.....	Duluth.
NYE, CARROLL A.....	Moorhead.
NYE, FRANK M.....	Minneapolis.
O'BRIEN, THOMAS D.....	St. Paul.
PAIGE, JAMES .....	Minneapolis.
PATTEE, W. S.....	Minneapolis.
PATTERSON, ELMER C.....	Marshall.
PAUL, A. C.....	Minneapolis.
PENNEY, R. L.....	Minneapolis.
PHELPS, H. H.....	Duluth.
PURCELL, J. J.....	Ortonville.
QUINN, THOMAS H.....	Faribault.
QVALE, G. E.....	Willmar.
RANDALL, HENRY E.....	St. Paul.
REA, S. C.....	Luverne.
RIEKE, AUGUST V.....	Fairfax.
ROBERTS, HARLAN P.....	Minneapolis.
ROBERTS, WILLIAM P.....	Minneapolis.
ROBERTSON, JAMES .....	Minneapolis.
ROCKWOOD, CHELSEA J.....	Minneapolis.
SANBORN, EDWARD P.....	St. Paul.
SANBORN, WALTER H.....	St. Paul.
SEEVERS, GEORGE W.....	Minneapolis.
SEVERANCE, CORDENIO A.....	St. Paul.
SHAW, FRANK W.....	Minneapolis.
SHEARER, JAMES D.....	Minneapolis.
SHEEAN, JAMES B.....	St. Paul.
SIMPSON, DAVID F.....	Minneapolis.
SMITH, EDWARD E.....	Minneapolis.
SMITH, JOHN DAY.....	Minneapolis.
SMITH, LYNDON A.....	Montevideo.
SNYDER, F. B.....	Minneapolis.
SPOONER, LEWIS C.....	Morris.
STEELE, JOHN H.....	Minneapolis.
STONE, R. A.....	St. Paul.

## MINNESOTA.—Continued.

HALL, ALBERT H.....	Minneapolis
HALLAM, OSCAR .....	St. Paul.
HANLEY, MARTIN FRANKLIN.....	Minneapolis.
HARRIES, W. H. (St. Paul).....	Caledonia.
HARRIS, HAROLD .....	St. Paul.
HARRIS, L. C.....	Duluth.
HAUPT, CHARLES C.....	St. Paul.
HAY, EUGENE G. (New York, N. Y.).....	Minneapolis
HOLT, ANDREW .....	Minneapolis.
HOW, JARED .....	St. Paul.
HUDSON, T. T.....	Duluth.
HULL, LOUIS K.....	Minneapolis
JACKSON, ANSON B.....	Minneapolis.
JAGGARD, EDWIN A.....	St. Paul.
JAYNE, TRAFFORD N.....	Minneapolis.
JENSWOLD, JOHN, JR.....	Duluth.
KEITH, ARTHUR M.....	Minneapolis.
KELLOG, FRANK B.....	St. Paul.
KENNEDY, RICHARD L.....	St. Paul.
KERR, WILLIAM A.....	Minneapolis.
KINGMAN, JOSEPH R.....	Minneapolis.
KNOX, T. J.....	Jackson.
KOON, MARTIN B.....	Minneapolis.
KORNS, E. B.....	Tracy.
KYLE, J. P.....	St. Paul.
LAMBERTON, HENRY M.....	Winona.
LANCASTER, WILLIAM A.....	Minneapolis.
LARIMORE, JOHN A.....	Minneapolis.
LARRABEE, FRANK D.....	Minneapolis.
LARSON, OSCAR J.....	Duluth.
LATHAM, F. E.....	Howard Lake
LAYBOURN, C. G.....	Minneapolis.
LEONARD, GEORGE B.....	Minneapolis.
LEWIS, OLIN B.....	St. Paul.
LIGHTNER, WILLIAM H.....	St. Paul.
LIND, JOHN .....	Minneapolis.
LUM, BURT F.....	Minneapolis.
MARDEN, CHARLES S.....	Barnesville.
MARKHAM, GEORGE W.....	St. Paul.
MASON, ALFRED F.....	St. Paul.
MERCER, HUGH V.....	St. Paul.
MILLER, CLARENCE B. (Washington, D. C.)...	Duluth.
MITCHELL, OSCAR .....	Duluth.
MITCHELL, WILLIAM D.....	St. Paul



## MINNESOTA.—Continued.

MOORE, ALBERT R.....	St. Paul.
MORPHY, E. HOWARD.....	St. Paul.
MORRIS, PAGE .....	Duluth.
MORRISON, ROBERT G.....	Minneapolis.
MUNN, MARCUS D.....	St. Paul.
MCCLENAHAN, WILLIAM S.....	Brainerd.
MCDONALD, E. E.....	Bemidji.
MCGEE, J. F.....	Minneapolis.
MCKENZIE, JOHN .....	Minneapolis.
MCMANUS, A. E.....	Duluth.
NYE, CARROLL A.....	Moorhead.
NYE, FRANK M.....	Minneapolis.
O'BRIEN, THOMAS D.....	St. Paul.
PAIGE, JAMES .....	Minneapolis.
PATTEE, W. S.....	Minneapolis.
PATTERSON, ELMER C.....	Marshall.
PAUL, A. C.....	Minneapolis.
PENNEY, R. L.....	Minneapolis.
PHELPS, H. H.....	Duluth.
PURCELL, J. J.....	Ortonville.
QUINN, THOMAS H.....	Faribault.
QVALE, G. E.....	Willmar.
RANDALL, HENRY E.....	St. Paul.
REA, S. C.....	Luverne.
RIEKE, AUGUST V.....	Fairfax.
ROBERTS, HARLAN P.....	Minneapolis.
ROBERTS, WILLIAM P.....	Minneapolis.
ROBERTSON, JAMES .....	Minneapolis.
ROCKWOOD, CHELSEA J.....	Minneapolis.
SANBORN, EDWARD P.....	St. Paul.
SANBORN, WALTER H.....	St. Paul.
SEEVERS, GEORGE W.....	Minneapolis.
SEVERANCE, CORDENIO A.....	St. Paul.
SHAW, FRANK W.....	Minneapolis.
SHEARER, JAMES D.....	Minneapolis.
SHEEAN, JAMES B.....	St. Paul.
SIMPSON, DAVID F.....	Minneapolis.
SMITH, EDWARD E.....	Minneapolis.
SMITH, JOHN DAY.....	Minneapolis.
SMITH, LYNDON A.....	Montevideo.
SNYDER, F. B.....	Minneapolis.
SPOONER, LEWIS C.....	Morris.
STEELE, JOHN H.....	Minneapolis.
STONE, R. A.....	St. Paul.

## MINNESOTA.—Continued.

STRINGER, EDWARD C.....	St. Paul.
STRYKER, JOHN E.....	St. Paul.
SULLIVAN, FRANCIS W.....	Duluth.
TAWNEY, JAMES A.....	Winona.
TAYLOR, BENJAMIN .....	Mankato.
THIAN, LOUIS R.....	Minneapolis.
THOMPSON, CHARLES T.....	Minneapolis.
THYGESON, N. M.....	St. Paul.
TIFFANY, FRANCIS B.....	St. Paul.
TIGHE, AMBROSE .....	St. Paul.
TOLMAN, FRANK .....	Paynesville.
TRAXLER, CHARLES J.....	Minneapolis.
TRYON, CHARLES J.....	Minneapolis.
UELAND, A. ....	Minneapolis.
VAN DERLIP, JOHN R.....	Minneapolis.
WAITE, EDWARD F.....	Minneapolis.
WALLACE, THOMAS F.....	Minneapolis.
WASHBURN, JED L.....	Duluth.
WATSON, JAMES T.....	Duluth.
WEBBER, MARSHALL B.....	Winona.
WEIL, JONAS .....	Minneapolis.
WENZELL, HENRY BURLEIGH.....	St. Paul.
WHEELWRIGHT, JOHN O. P.....	Minneapolis.
WHELAN, RALPH .....	Minneapolis.
WHITE, WILLIAM G.....	St. Paul.
WILKINSON, R. A.....	St. Paul.
WILLIAMS, JOHN G.....	Duluth.
WILLIAMSON, JAMES F.....	Minneapolis.
WILSON, CORYATE S.....	Duluth.
WILSON, GEORGE P.....	Minneapolis.
WRIGHT, ARTHUR W.....	Austin.
WYMAN, G. H.....	Anoka.
YOUNG, EDWARD B.....	St. Paul.
YOUNG, EDWARD T.....	St. Paul.
YOUNG, HOWELL W.....	Minneapolis.

## MISSISSIPPI.

ANDERSON, GEORGE .....	Vicksburg.
BOWERS, E. J.....	Bay St. Louis.
BOZEMAN, ALBERT S.....	Meridian.
BRUNINI, JOHN B.....	Vicksburg.
CAMPBELL, ROBERT B.....	Greenville.
DUNN, C. C.....	Meridian.
GREAVES, H. B.....	Canton.

## MISSISSIPPI.—Continued.

HIRSH, J. ....	Vicksburg.
HOUSTON, DAVID W. ....	Aberdeen.
HOWBY, CHARLES B. (Washington, D. C.) ...	Oxford.
LANDAU, MOSES DAVID. ....	Vicksburg.
LONGSTREET, J. C. ....	Jackson.
LYELL, GORDON G. ....	Jackson.
MILLER, ROBERT N. ....	Hazlehurst.
MOODY, CARY C. ....	Greenville.
MCDONALD, WILL T. ....	Bay St. Louis.
MCLAURIN, R. L. ....	Vicksburg.
MCWILLIE, THOMAS A. ....	Jackson.
NEVILLE, JAMES H. ....	Gulfport.
PERCY, LEROY ....	Greenville.
PEYTON, FRANK M. ....	Jackson.
POWELL, WILLIAM H. ....	Canton.
ROSE, A. J. ....	Greenville.
SANDERS, J. O. ....	Gulfport.
SCOTT, ALEXANDER Y. ....	Rosedale.
SCOTT, CHARLES ....	Rosedale.
SEXTON, JAMES S. ....	Hazlehurst.
SHANDS, A. W. ....	Sardis.
SMITH, SYDNEY ....	Jackson.
SOMERVILLE, THOMAS H. ....	Oxford.
STOVALL, A. T. ....	Okalona.
THOMPSON, R. H. ....	Jackson.
WELCH, W. S. ....	Laurel.
WELLS, BEN H. ....	Jackson.
WILLIAMSON, CHALMERS M. ....	Jackson.
WILLING, ROBERT P. ....	Jackson.
WITHERSPOON, S. A. ....	Meridian.
WOODS, EDGAR H. ....	Rosedale.

## MISSOURI.

ABBOTT, A. L. ....	St. Louis.
ALLEN, CHARLES CLAFLIN. ....	St. Louis.
ALLEN, CLIFFORD B. ....	St. Louis.
ASHLEY, HENRY DE L. ....	Kansas City.
BABBITT, BYRON F. ....	St. Louis.
BAKEWELL, PAUL ....	St. Louis.
BALL, R. E. ....	Kansas City.
BARCLAY, SHEPARD ....	St. Louis.
BATES, CHARLES W. ....	St. Louis.
BECK, GEORGE F. ....	St. Louis.

## MISSOURI.—Continued.

BLAIR, ALBERT .....	St. Louis.
BLEVINS, JOHN A.....	St. Louis.
BLODGETT, HENRY W.....	St. Louis.
BORLAND, WILLIAM P.....	Kansas City.
BOTSFORD, JAMES S.....	Kansas City.
BOYLE, WILBUR F.....	St. Louis.
BROWN, R. A.....	St. Joseph.
BRYAN, P. TAYLOR.....	St. Louis.
BRYSON, JOSEPH M.....	St. Louis.
CARR, JAMES A.....	St. Louis.
CARTER, FRANK .....	St. Louis.
CHARLES, BENJAMIN H.....	St. Louis.
CHRISTIE, HARVEY L.....	St. Louis.
CLARKE, ENOS .....	St. Louis.
COCHRAN, ALEXANDER G.....	St. Louis.
COLES, WALTER D.....	St. Louis.
COLLINS, CHARLES CUMMINGS.....	St. Louis.
CURTIS, WILLIAM S.....	St. Louis.
DAVIS, J. LIONBERGER.....	St. Louis.
DONALDSON, WILLIAM R.....	St. Louis.
DONALDSON, WILLIAM R., JR.....	St. Louis.
DOUGLAS, WALTER B.....	St. Louis.
DYER, DAVID P.....	St. Louis.
EARLY, MARION C.....	St. Louis.
ELIOT, EDWARD C.....	St. Louis.
ELLISON, EDWARD D.....	Kansas City.
FERRISS, FRANKLIN .....	St. Louis.
FISHER, D. D.....	St. Louis.
FISSE, WILLIAM E.....	St. Louis.
FORDYCE, SAMUEL W., JR.....	St. Louis.
FOSTER, ROBERT M.....	St. Louis.
FOWLER, A. C.....	St. Louis.
GANTT, JAMES B.....	Jefferson City.
GARVIN, WILLIAM EVERETT.....	St. Louis.
GATES, EDWARD P.....	Independence.
GENTRY, NORTH T.....	Columbia.
GRANT, LEE W.....	St. Louis.
GREENSFELDER, BERNARD .....	St. Louis.
GROSSMAN, EMANUEL M.....	St. Louis.
HADLEY, HERBERT S.....	Jefferson City.
HAFF, DELBERT J.....	Kansas City.
HAGERMAN, FRANK .....	Kansas City.
HAGERMAN, JAMES .....	St. Louis.
HAGERMAN, JAMES, JR.....	St. Louis.

## MISSOURI.—Continued.

HAGERMAN, LEE W.....	St. Louis.
HARKLESS, JAMES H.....	Kansas City.
HIGDON, JOHN C.....	St. Louis.
HILL, HENRY C.....	Columbia.
HINTON, EDWARD W.....	Columbia.
HISTED, CLIFFORD .....	Kansas City.
HITCHCOCK, GEORGE C.....	St. Louis.
HOCKER, LOU O.....	St. Louis.
HOPKINS, JAMES L.....	St. Louis.
HOUGH, WARWICK M.....	St. Louis.
HOUTS, CHARLES A.....	St. Louis.
JACKSON, GEORGE P. B.....	St. Louis.
JOHNSON, GEORGE S.....	St. Louis.
JONES, JAMES C.....	St. Louis.
JOURDAN, MORTON .....	St. Louis.
JUDSON, FREDERICK N.....	St. Louis.
KARNES, J. V. C.....	Kansas City.
KEHR, EDWARD C.....	St. Louis.
KEYSOR, WILLIAM W.....	St. Louis.
KIRBY, DANIEL NOYES.....	St. Louis.
KLEIN, JACOB .....	St. Louis.
KRAUTHOFF, EDWIN A.....	Kansas City.
LADD, SANFORD B.....	Kansas City.
LAWSON, JOHN D.....	Columbia.
LEE, JOHN F.....	St. Louis.
LEAHY, JOHN S.....	St. Louis.
LEHMANN, FRED. W.....	St. Louis.
LEHMANN, SEABS .....	St. Louis.
LIONBERGER, ISAAC H.....	St. Louis.
LYON, MONTAGUE .....	St. Louis.
LYONS, MARTIN .....	St. Louis.
MADISON, CHARLES E.....	Kansas City.
MAHAN, GEORGE A.....	Hannibal.
MAJOR, ELLIOTT W.....	Jefferson City.
MARLATT, HERBERT R.....	St. Louis.
MCLEOD W. D.....	Kansas City.
NAGEL, CHARLES .....	St. Louis.
NEW, ALEXANDER .....	Kansas City.
NOBLE, JOHN W.....	St. Louis.
ORR, ISAAC H.....	St. Louis.
ORRICK, ALLEN C.....	St. Louis.
OTTOFF, L. FRANK.....	St. Louis.
PATTISON, EVERETT W.....	St. Louis.
PHILIPS, JOHN F.....	Kansas City.

## MISSOURI.—Continued.

PIERCE, THOMAS M.....	St. Louis.
PIKE, VINTON .....	St. Joseph.
PORTER, VALENTINE MOTT.....	St. Louis.
POWELL, ELMER N.....	Kansas City.
REYNOLDS, THOMAS H.....	Kansas City.
ROBBINS, ALEXANDER H.....	St. Louis.
ROBERT, EDWARD S.....	St. Louis.
ROBERTS, V. H.....	St. Louis.
ROBERTSON, GEORGE .....	Mexico.
ROZZELLE, FRANK F.....	Kansas City.
RYAN, O'NEILL .....	St. Louis.
SCHAICH, JOHN G.....	Kansas City.
SCHNURMACHER, BENJAMIN .....	St. Louis.
SCHOFIELD, F. L.....	Hannibal.
SHEPLEY, ARTHUR B.....	St. Louis.
SHIELDS, GEORGE H.....	St. Louis.
SMALL, CHARLES E.....	Kansas City.
SMITH, LUTHER ELY.....	St. Louis.
SPENCER, SELDEN P.....	St. Louis.
STREET, THOMAS A.....	Columbia.
SWARTS, SOLOMON L.....	St. Louis.
TAUSSIG, JAMES .....	St. Louis.
TAYLOR, SENECA N.....	St. Louis.
THOMPSON, WILLIAM B.....	St. Louis.
TICHENOR, CHARLES O.....	Kansas City.
TITUS, FRANK .....	Kansas City.
TURPIN, REES .....	Kansas City.
VINEYARD, J. J.....	Kansas City.
WAGNER, HUGH K.....	St. Louis.
WALKER, ROBERT F.....	St. Louis.
WALTHER, LAMBERT E.....	St. Louis.
WATTS, MILLARD F.....	St. Louis.
WHELESS, JOSEPH .....	St. Louis.
WILFLEY, LEBREUS R.....	St. Louis.
WILFLEY, XENOPHEN P.....	St. Louis.
WILLIAMS, JAMES C.....	Kansas City.
WISLIZENUS, FRED. A.....	St. Louis.
WITHROW, JAMES E.....	St. Louis.
WOOD, JOHN M.....	St. Louis.

## MONTANA.

BICKFORD, WALTER M.....	Butte.
BRANTLEY, THEODORE .....	Helena.
CLARK, W. A.....	Virginia City.

## MONTANA.—Continued.

DAY, E. C.....	Helena.
DIXON, WILLIAM W.....	Butte.
FARR, GEORGE W.....	Miles City.
GODDARD, O. FLETCHER.....	Billings.
HARTMAN, C. S.....	Bozeman.
HARTMAN, W. S.....	Bozeman.
HARWOOD, EDGAR N.....	Butte.
HOLLOWAY, WILLIAM L.....	Helena.
JOHNSTON, W. M.....	Billings.
KELLEY, C. F.....	Butte.
KNOWLES, HIRAM .....	Missoula.
LINDSAY, JOHN .....	Butte.
NOFFSINGER, W. N.....	Kalispell.
PEMBERTON, WILLIAM Y.....	Helena.
POMEROY, CHARLES W.....	Kalispell.
PRAY, CHARLES N.....	Fort Benton.
RODGERS, WILLIAM B.....	Anaconda.
ROOTE, JESSE BRYAN.....	Butte.
SANDERS, L. P.....	Butte.
SCALLON, WILLIAM .....	Butte.
SHELTON, GEORGE F.....	Butte.
SMITH, D. F.....	Kalispell.
WALSH, JAMES A.....	Helena.
WALSH, T. J.....	Helena.

## NEBRASKA.

ALLEN, WILLIAM V.....	Madison.
BARNES, JOHN B.....	Norfolk.
BARTLETT, EDMUND M.....	Omaha.
BAXTER, IRVING F.....	Omaha.
BEELEB, JOSEPH G.....	North Platte.
BLACKBURN, THOMAS W.....	Omaha.
BOESCHE, HERMAN G.....	South Omaha.
BRECKENRIDGE, RALPH W.....	Omaha.
BROGAN, FRANCIS A.....	Omaha.
BROME, HARRISON C.....	Omaha.
CONANT, ERNEST B.....	Lincoln.
COSTIGAN, GEORGE P., JR.....	Lincoln.
COWIN, JOHN C.....	Omaha.
CRAWFORD, FRANK .....	Omaha.
DAVIDSON, SAMUEL P.....	Tecumseh.
DRYDEN, JOHN N.....	Kearney.
DUNDEY, CHARLES L.....	Omaha.
ELGUTTER, CHARLES S.....	Omaha.

## NEBRASKA.—Continued.

EVERSON, JOHN .....	Alma.
GEISTHARDT, STEPHEN L.....	Lincoln.
GREENE, CHARLES J.....	Omaha.
GREENE, ROBERT J.....	Lincoln.
GURLEY, WILLIAM F.....	Omaha.
HAINER, EUGENE J.....	Lincoln.
HALL, FRANK M.....	Lincoln.
HALL, MATTHEW A.....	Omaha.
HARTIGAN, MICHAEL A.....	Hastings.
HASTINGS, W. G.....	Lincoln.
HORTH, RALPH R.....	Grand Island.
KELBY, JAMES E.....	Omaha.
KENNEDY, HOWARD .....	Omaha.
KENNEDY, J. A. C.....	Omaha.
KEYES, HARLOW W.....	Indianola.
KINKAID, M. P.....	O'Neill.
KINSLER, JAMES C.....	Omaha.
LANGDON, MARTIN .....	Omaha.
LETTON, CHARLES B.....	Lincoln.
LOBINGIER, CHARLES S. (Manilla, P. I.).....	Omaha.
LOOMIS, N. H.....	Omaha.
MAHONEY, TIMOTHY J.....	Omaha.
MANDERSON, CHARLES F.....	Omaha.
MATTERS, THOMAS H.....	Omaha.
MERCER, DAVID H.....	Omaha.
MILES, WILLIAM P.....	Sidney.
MONTGOMERY, CARROLL S.....	Omaha.
MUNGER, W. H.....	Omaha.
McHUGH, WILLIAM D.....	Omaha.
McPHEELY, JOHN L.....	Minden.
OLDHAM, WILLIS D.....	Kearney.
O'NEILL, HARRY E.....	Tuckerville.
RAIN, FRANK L.....	Fairbury.
RICH, EDSON .....	Omaha.
RINAKEE, SAMUEL .....	Beatrice.
RINE, JOHN A.....	Omaha.
ROBBINS, CHARLES A.....	Lincoln.
RYAN, CHARLES G.....	Grand Island.
SEDGWICK, SAMUEL H.....	York.
SMITH, HOWARD B.....	Omaha.
THOMPSON, WILLIAM H.....	Grand Island.
VAN DUSEN, JAMES H.....	Omaha.
WAKELEY, ELEAZER .....	Omaha.
WEBSTER, JOHN L.....	Omaha.



## NEBRASKA.—Continued.

WEST, JOEL W.....	Omaha.
WHITE, BENJAMIN T.....	Omaha.
WILSON, HENRY H.....	Lincoln.
WOODS, FRANK H.....	Lincoln.
WOOLLEY, JAMES H.....	Grand Island.
WRIGHT, CARL C.....	Omaha.

## NEVADA.

CARPENTER, SAMUEL L.....	Goldfield.
DOWNER, SYLVESTER S.....	Reno.
THAYER, RUFUS C.....	Goldfield.

## NEW HAMPSHIRE.

ALBIN, JOHN H.....	Concord.
BRANCH, OLIVER E.....	Manchester.
BURLEIGH, ALVIN .....	Plymouth.
CHASE, IRA A.....	Bristol.
COLBY, JAMES F.....	Hanover.
CORNING, CHARLES R.....	Concord.
CROSS, DAVID .....	Manchester.
EASTMAN, SAMUEL C.....	Concord.
HOLLIS, ALLEN .....	Concord.
HURD, HENRY N.....	Manchester.
JEWETT, STEPHEN S.....	Laconia.
MITCHELL, JOHN M.....	Concord.
NILES, EDWARD C.....	Concord.
PERKINS, DAVID WALTER.....	Manchester.
REMICK, JAMES W.....	Concord.
RICH, GEORGE F.....	Berlin.
SCHOULER, JAMES .....	Intervale.
STREETER, FRANK S.....	Concord.

## NEW JERSEY.

APPLEGATE, JOHN S.....	Red Bank.
ARMSTRONG, EDWARD AMBLER.....	Camden.
BERGEN, JAMES J.....	Somerville.
BOCHERLING, CHARLES .....	Newark.
BUCHANAN, JAMES .....	Trenton.
CARROW, HOWARD .....	Camden.
CHAMBERLIN, FREDERIC E.....	Bayonne.
CLEVINGER, WILLIAM M.....	Atlantic City.
COLE, CLARENCE L.....	Atlantic City.
COLIE, EDWARD M.....	Newark.
CORBIN, WILLIAM H.....	Jersey City.
DEPUE, SHERRERD .....	Newark.

## NEW JERSEY.—Continued.

DIXON, WARREN .....	Jersey City.
DUFFIELD, EDWARD D.....	Newark.
DUMONT, WAYNE (New York, N. Y.).....	Paterson.
DUNN, MICHAEL .....	Paterson.
ELY, JOHN J.....	Freehold.
EMERY, JOHN R.....	Morristown.
EWING, JOHN G.....	Roselle.
FAY, THOMAS P.....	Long Branch.
FORT, J. FRANKLIN .....	East Orange.
FRENCH, THOMAS E.....	Camden.
GOODELL, EDWIN B.....	Montclair.
GRANT, ALEXANDER .....	Newark.
GRIGGS, JOHN W. (New York, N. Y.).....	Paterson.
HARDIN, JOHN R.....	Newark.
HARTSHORNE, CHARLES H.....	Jersey City.
KALISH, SAMUEL .....	Newark.
KEASBEY, EDWARD Q.....	Newark.
LANNING, WILLIAM M.....	Trenton.
LEWIS, WILLIAM I.....	Paterson.
LYON, ADRIAN .....	Perth Amboy.
MCCARTER, ROBERT H.....	Newark.
MCDERMOTT, FRANK P.....	Jersey City.
PARKER, CHARLES W.....	Jersey City.
PARKER, CHAUNCEY G.....	Newark.
PARKER, CORTLANDT, JR.....	Newark.
PARKER, RICHARD WAYNE.....	Newark.
PITNEY, JOHN O. H.....	Newark.
RANDOLPH, CARMAN F. (New York, N. Y.)..	Morristown.
RIKER, ADRIAN .....	Newark.
SHERMAN, GORDON E.....	Morristown.
SHIPMAN, GEORGE M.....	Belvidere.
STEVENSON, EUGENE .....	Paterson.
STRONG, ALAN H.....	New Brunswick.
SWAYZE, FRANCIS J.....	Newark.
TERRELL, WILLIAM J.....	Burlington.
VAN BUSKIRK, DEWITT.....	Bayonne.
VAN CLEEF, JAMES H.....	New Brunswick.
VOORHEES, WILLARD P.....	New Brunswick.
VROOM, GARRET D. W.....	Trenton.
WATKINS, DAVID O.....	Woodbury.
WILSON, EDMUND .....	Red Bank.
WILSON, WOODROW .....	Princeton.

## NEW MEXICO TERRITORY.

CATRON, THOMAS B.....	Santa Fé.
FREEMAN, ALFRED A.....	Carlsbad.
POPE, WILLIAM H.....	Roswell.
REID, WILLIAM C.....	Roswell.

## NEW YORK.

ABBOTT, EVERETT V.....	New York.
ABBOTT, LYMAN .....	New York.
ADAMS, ELBRIDGE L.....	New York.
ADDOMS, MORTIMER C.....	New York.
AGAR, JOHN G.....	New York.
ALEXANDER, EDWARD A.....	New York.
ALLEN, FREDERICK L.....	New York.
ALLEN, JAMES A.....	New York.
ALLEN, YORKE .....	New York.
ANABLE, COURTLAND V.....	New York.
ANDREWS, CHAMPE S.....	New York.
ANDREWS, JAMES D.....	New York.
APPELL, ALBERT J.....	New York.
ARNOLD, JOSEPH A.....	New York.
ARNOLD, LYNN J.....	Cooperstown.
ARNSTEIN, EMANUEL .....	New York.
ASHLEY, CLARENCE D.....	New York.
BABBITT, KURNEL R.....	New York.
BABST, EARL D.....	New York.
BACON, SELDEN .....	New York.
BANGS, FRANCIS S.....	New York.
BANTON, JOAB H.....	New York.
BARBER, ARTHUR WILLIAM.....	New York.
BARTLETT, JOHN P.....	New York.
BECK, JAMES M.....	New York.
BECKWITH, S. VILAS.....	New York.
BEEKMAN, CHARLES K.....	New York.
BELL, CLARK .....	Dundee.
BELL, JAMES D.....	Brooklyn.
BENEDICT, ABRAHAM .....	New York.
BENNETT, DAVID C. JR.....	New York.
BERGEN, TUNIS G.....	New York.
BIJUR, NATHAN .....	New York.
BINNEY, HAROLD .....	New York.
BISBEE, RALPH .....	New York.
BISCHOFF, HENRY, JR.....	New York.
BLANDY, CHARLES .....	New York.
BLYMYER, WILLIAM H.....	New York.

## NEW YORK.—Continued.

BOGERT, HENRY L.....	New York.
BOOTHBY, JOHN WILLIAM.....	New York.
BORCHERT, HERMANN .....	New York.
BOSTON, CHARLES A.....	New York.
BOWEN, ADNA G.....	Medina.
BRANN, HENRY A.....	New York.
BREED, WILLIAM C.....	New York.
BRODEK, CHARLES A.....	New York.
BROOKS, JAMES B.....	Syracuse.
BROWN, ADDISON .....	New York.
BROWN, ELON R.....	Watertown.
BROWN, SELDEN S.....	Rochester.
BRUNO, RICHARD M.....	New York.
BUCHANAN, CHARLES J.....	Albany.
BUCK, GORDON M.....	New York.
BULLOWA, FERDINAND E. M.....	New York.
BURDICK, FRANCIS M.....	New York.
BURKE, JOHN HENRY.....	Ballston Spa.
BURR, CHARLES L.....	New York.
BURR, WILLIAM P.....	New York.
BUTLER, CHARLES HENRY (Washington, D. C.)	Yonkers.
BUTLER, WILLIAM ALLEN, JR.....	New York.
BUTTON, FREDERICK H.....	New York.
BUTTON, WILLIAM H.....	New York.
BYRNE, JAMES .....	New York.
CADWALADER, JOHN L.....	New York.
CAHN, WILLIAM L.....	New York.
CALHOUN, PAT .....	New York.
CAMERON, FREDERICK W.....	Albany.
CAMPBELL, FREDERICK B.....	New York.
CANFIELD, GEORGE F.....	New York.
CANTWELL, WILLIAM W.....	New York.
CARDOZO, ERNEST A.....	New York.
CAREY, MARTIN .....	New York.
CARPENTER, JAMES EMERSON.....	New York.
CARTER, JARVIS P.....	New York.
CHANLER, LEWIS STUYVESANT.....	New York.
CHASE, GEORGE .....	New York.
CHILDS, EDWARDS H.....	New York.
CHIBURG, ISIDORE S.....	New York.
CHITTICK, HENRY R.....	New York.
CHOATE, JOSEPH H.....	New York.
CHRYSTIE, T. LUDLOW.....	New York.

## NEW YORK.—Continued.

CLARK, JEFFERSON .....	New York.
CLARK, MARTIN .....	Buffalo.
CLARKE, FREDERICK H.....	New York.
CLARKE, R. FLOYD.....	New York.
CLARKE, SAMUEL B.....	New York.
CLEARWATER, ALPHONSO T.....	Kingston.
CLINCH, EDWARD S.....	New York.
COBB, A. WARD.....	New York.
COBB, W. BRUCE.....	New York.
COCKRAN, W. BOURKE.....	New York.
COFFIN, HERBERT LAWTON.....	New York.
COHEN, JULIUS HENRY.....	New York.
COLBY, BAINBRIDGE .....	New York.
COLLIER, FREDERICK J.....	Hudson.
CONGER, CLARENCE R.....	New York.
COOPER, DEURY W.....	New York.
COREY, HENRY B.....	New York.
COUDERT, FREDERIC R., JR.....	New York.
COXE, MACGRANE .....	New York.
CRANE, ALEXANDER B.....	New York.
CRANE, FREDERICK E.....	Brooklyn.
CRAVATH, PAUL D.....	New York.
CROSLY, FERDINAND S.....	New York.
CROWLEY, EDWARD CHASE.....	New York.
CRUIKSHANK, ALFRED B.....	New York.
CULVER, FREDERIC F.....	New York.
CURTIS, W. J.....	New York.
CURTIS, WILLIAM EDMOND.....	New York.
CUSHING, HARRY ALONZO.....	New York.
DALY, EDWARD HAMILTON.....	New York.
DALY, JOSEPH F.....	New York.
DANAHER, FRANKLIN M.....	Albany.
DAVIES, JULIEN T.....	New York.
DAVIES, WILLIAM GILBERT.....	New York.
DAVIS, ALBERT G.....	Schenectady.
DAVIS, DAVID T.....	New York.
DAVIS, HENRY K.....	New York.
DAVIS, VERNON M.....	New York.
DAVISON, CHARLES STEWART.....	New York.
DAW, GEORGE W.....	Troy.
DEAN, GEORGE C.....	New York.
DEBEVOISE, THOMAS M.....	New York.
DEERING, JAMES A.....	New York.
DEICHES, MAURICE .....	New York.

## NEW YORK.—Continued.

DEMING, HORACE E.....	New York.
DENISON, HOWARD P.....	Syracuse.
DEFEW, CHAUNCEY M.....	New York.
DEWEY, WILLIAM P.....	New York.
DEXTER, STANLEY W.....	New York.
DILLON, JOHN F.....	New York.
DONNELLY, HENRY D.....	New York.
DOS PASSOS, JOHN R.....	New York.
DOUGHERTY, J. HAMPDEN.....	New York.
DOUGLAS, EDWARD W.....	Troy.
DOWD, WILLIS BRUCE.....	New York.
DOYLE, LOUIS F.....	New York.
DUELL, CHARLES H.....	New York.
DUGAN, JOHN H.....	Albany.
DUGAN, PATRICK C.....	Albany.
DUNSCOMB, SAMUEL WHITNEY, JR.....	New York.
DUTTON, JOHN A.....	New York.
EABLE, HENRY M.....	New York.
EASTON, CHARLES PHILIP.....	New York.
EASTON, ROBERT T. B.....	New York.
EATON, WILLIAM D.....	New York.
EDDY, CHARLES B.....	New York.
EDMONDS, SAMUEL O.....	New York.
EINSTEIN, B. F.....	New York.
ELKUS, ABRAM I.....	New York.
ELLIS, GEORGE W.....	New York.
ELLISON, WILLIAM BRUCE.....	New York.
ELSBERG, NATHANIEL A.....	New York.
EMERSON, GEORGE H.....	New York.
ERWIN, FRANK ALEXANDER.....	New York.
ESTABROOK, HENRY D.....	New York.
EWEN, JOHN .....	New York.
EWING, HAMPTON D.....	New York.
EWING, THOMAS, JR.....	New York.
FABER, LEANDER B.....	Jamaica.
FALLOWS, EDWARD H.....	New York.
FEARONS, GEORGE H.....	New York.
FETTRETCH, JOSEPH .....	New York.
FIELD, FRANK HARVEY.....	Brooklyn.
FIERO, J. NEWTON.....	Albany.
FILES, GEORGE W.....	New York.
FINCH, EDWARD R.....	New York.
FINCH, WILLIAM A.....	Ithaca.
FINDLEY, WILLIAM L.....	New York.

## NEW YORK.—Continued.

FITCH, THEODORE (New York)	Yonkers.
FIXMAN, EZEKIEL	New York.
FLEISCHMANN, SIMON	Buffalo.
FORDHAM, HERBERT L.	New York.
FOSTER, ROGER	New York.
FOX, AUSTEN G.	New York.
FRANK, ADAM	New York.
FRANKLIN, RUFORD	New York.
FRASER, GEORGE C.	New York.
FREEDMAN, JOHN J.	New York.
FULLER, PAUL	New York.
FULLER, WILLIAMSON W.	New York.
GAILLARD, WM. D.	New York.
GALE, NOEL	New York.
GALLERT, DAVID J.	New York.
GALSTON, CLARENCE G.	New York.
GANS, HOWARD S.	New York.
GARDNER, JOHN M.	New York.
GARVER, JOHN A.	New York.
GELLER, FREDERICK	New York.
GERARD, JAMES W.	New York.
GIBBS, CLINTON B.	Buffalo.
GIFFORD, JAMES M.	New York.
GIFFORD, LIVINGSTONE	New York.
GILBERT, FRANK B.	Albany.
GILLEN, WILLIAM W.	Jamaica.
GILPIN, C. MONTEITH.	New York.
GLEASON, JOHN H.	Albany.
GLENN, GERRARD	New York.
GLYNN, MARTIN H.	Albany.
GOLDBERG, WILLIAM V.	New York.
GOLDMAN, SAMUEL P.	New York.
GOODELLE, WILLIAM P.	Syracuse.
GORDON, GORDON	New York.
GRAM, JESSE P.	New York.
GREELEY, WILLIAM B.	New York.
GREGORY, HENRY E.	New York.
GUTHRIE, WILLIAM D.	New York.
HAGAR, ALBERT FRANCIS.	New York.
HAND, RICHARD L.	Elizabethtown
HANFORD, SOLOMON.	New York.
HANSMANN, CARL A.	New York.
HARE, MONTGOMERY	New York.
HARRIS, ALBERT H.	New York.

## NEW YORK.—Continued.

HARTRIDGE, CLIFFORD W.....	New York
HATCH, EDWARD W.....	New York.
HATT, SAMUEL S.....	Albany.
HAWES, GILBERT RAY.....	New York.
HAYS, ALFRED, JR.....	Ithaca.
HAYWARD, HARRY WOODFORD.....	New York.
HEALEY, ROBERT E.....	Plattsburgh.
HEDGES, JOB E.....	New York.
HEMMENS, HENRY J.....	New York.
HENRY, RICHARD M.....	New York.
HERENDEN, EDWARD G.....	Elmira.
HESSBERG, ALBERT .....	Albany.
HILL, HENRY W.....	Buffalo.
HIRSCHBERG, HENRY .....	New York.
HODGE, J. ASPINWALL.....	New York.
HOLCOMB, ALFRED E.....	New York.
HOMES, HENRY F.....	New York.
HORNBLOWER, WILLIAM B.....	New York.
HOTCHKISS, WILLIAM HORACE.....	Buffalo.
HUBBARD, HARRY .....	New York.
HUBBARD, THOMAS H.....	New York.
HUDSON, JAMES A.....	New York.
HUGHES, CHARLES E. (Albany).....	New York.
HUMPHREY, BURT JAY.....	Jamaica.
INGALSBE, GRENVILLE M.....	Sandy Hill.
IRVINE, FRANK .....	Ithaca.
ISAACS, LEWIS M.....	New York.
JACKSON, WILLIAM H.....	New York.
JACOBSON, ISAAC W.....	Brooklyn.
JELLINEK, EDWARD L.....	Buffalo.
JOHNSON, EDWIN J.....	New York.
JOHNSON, H. LINSLEY.....	New York.
JOHNSTON, THOMAS J.....	New York.
JOLINE, ADRIAN H.....	New York.
KALISH, EDWIN L.....	New York.
KEENER, WILLIAM A.....	New York.
KELLOGG, JOSEPH A.....	Glens Falls
KELLOGG, L. LAFIN.....	New York.
KENDALL, MESSMORE .....	New York.
KENNESON, THADDEUS DAVIS.....	New York.
KENYON, ALAN D.....	New York.
KENYON, ROBERT NELSON.....	New York.
KENYON, WILLIAM H.....	New York.



## NEW YORK.—Continued.

KERR, THOMAS B.....	New York.
KIDDLE, ALFRED W.....	New York.
KILVERT, THOMAS .....	New York.
KING, DAVID BENNETT.....	New York.
KIRCHWEY, GEORGE W.....	New York.
KIRLIN, J. PARKER.....	New York.
KIRTLAND, MICHEL .....	New York.
KLING, JOSEPH .....	New York.
KNAUTH, ANTONIO .....	New York.
KNEELAND, ANDREW DELOS.....	New York.
KNOX, JOHN MASON.....	New York.
KRAUTHOFF, LEWIS C.....	New York.
KREMER, EUGENE G.....	New York.
LAUTERBACH, EDWARD .....	New York.
LAWSON, JOSEPH A.....	Albany.
LEAVITT, JOHN BROOKS.....	New York.
LEHMAIER, JAMES S.....	New York.
LESTER, GEORGE B.....	New York.
LEVIS, HOWARD C. (London, England).....	Schenectady.
LEVY, JOSEPH L.....	New York.
LIEBMANN, WALTER H.....	New York.
LINDSAY, JOHN D.....	New York.
LINDSLEY, VAN SINDEREN.....	New York.
LITTLEFIELD, CHARLES E.....	New York.
LOCKWOOD, BENONI .....	New York.
LORENZEN, ERNEST G. (Washington, D. C.)..	New York.
LOVETT, ROBERT S.....	New York.
MACDONALD, EUGENE SPENCER.....	New York.
MACK, WILLIAM .....	New York.
MARSHALL, LOUIS .....	New York.
MARTIN, WILLIAM J.....	New York.
MARTIN, WILLIAM PARMENTER.....	New York.
MASTICK, SEABURY C.....	New York.
MATHER, ROBERT .....	New York.
MATHEWSON, CHARLES F.....	New York.
MELLEN, CHASE .....	New York.
MERCHANT, HENRY D.....	New York.
MEYERS, SIDNEY S.....	New York.
MILBURN, JOHN G.....	New York.
MILLER, HUGH GORDON.....	New York.
MILLER, WILLIAM W.....	New York.
MILNOR, M. CLEILAND.....	New York.
MINTON, FRANCIS L.....	New York.
MOFFAT, R. BURNHAM.....	New York.

## NEW YORK.—Continued.

MOORE, JOHN BASSETT.....	New York.
MOOT, ADELBERT .....	Buffalo.
MORGAN, GEORGE WILSON.....	New York.
MORRIS, ROBERT C.....	New York.
MORROW, DWIGHT W.....	New York.
MORSCHAUSER, JOSEPH .....	Poughkeepsie.
MORSE, WALDO G.....	New York.
MORTON, HENRY SAMUEL.....	New York.
MOSES, RAPHAEL J.....	New York.
MOSS, FRANK .....	New York.
MULLIN, FRANCIS B.....	Brooklyn.
MURRAY, A. GORDON.....	New York.
MUTHA, THOMAS F.....	New York.
MYERS, NATHANIEL .....	New York.
MCCALL, EDWARD E.....	New York.
MCCLURE, DAVID .....	New York.
MCCOMBS, WILLIAM F.....	New York.
MCCOOK, JOHN J.....	New York.
MCCOOK, PHILIP JAMES.....	New York.
MCCRARY, A. J.....	Binghamton.
MC ELHENY, VICTOR K., JR.....	New York.
MCGUIRE, HORACE .....	Rochester.
MCILVAINE, TOMPKINS .....	New York.
MCINTOSH, JAMES H.....	New York.
MC KEEN, JAMES .....	New York.
McKINNEY, WILLIAM M.....	Northport.
MCLEAN, DONALD .....	New York.
MCNULTY, WILLIAM D.....	New York.
MCREYNOLDS, JAMES C.....	New York.
MCWILLIAMS, HOWARD.....	New York.
NATHAN, EDGAR J.....	New York.
NAUMBURG, BERNARD .....	New York.
NICHOLS, GEORGE L.....	New York.
NICOLL, DELANCEY .....	New York.
NICOLSON, JOHN .....	New York.
NOBLE, DANIEL .....	Jamaica.
NOBLE, HERBERT .....	New York.
OAKES, CHARLES .....	New York.
O'BRIEN, EDWARD D.....	New York.
O'BRIEN, MORGAN J.....	New York.
OLCOTT, J. VAN VECHTEN.....	New York.
OPDYKE, ALFRED .....	New York.
OPDYKE, WILLIAM S.....	New York.

## NEW YORK.—Continued.

ORMISTON, THOMAS SAMUEL.....	New York.
OSGOOD, HOWARD L.....	Rochester.
OTTINGER, NATHAN .....	New York.
PARISH, EDWARD C.....	New York.
PARKER, ALTON B.....	New York.
PARKER, WINTHROP .....	New York.
PARMLY, RANDOLPH .....	New York.
PARSONS, HINS DILL .....	Schenectady.
PARSONS, JOHN E.....	New York.
PATTERSON, DANIEL W.....	New York.
PATTERSON, WILLIAM J.....	New York.
PAULDING, CHARLES C.....	New York.
PEGRAM, HENRY .....	New York.
PETTY, ROBERT D.....	New York.
PHILIPP, MORITZ BERNARD.....	New York.
PHILLIPS, LOUIS S.....	New York.
PIERCE, WINSLOW S.....	New York.
PLACE, IRA A.....	New York.
POLLAK, FRANCIS D.....	New York.
PORTER, LOUIS H.....	New York.
POTTER, FREDERICK .....	New York.
PRENTICE, E. PARMALEE.....	New York.
PRIME, RALPH E.....	Yonkers.
PRINDLE, EDWIN J.....	New York.
PROSKAUER, JOSEPH M.....	New York.
PURDY, LAWSON .....	New York.
PURINGTON, WILLIAM ARCHER.....	New York.
PUTNAM, HARRINGTON .....	New York.
QUACKENBUSH, JAMES L.....	New York.
QUINN, JOHN .....	New York.
RAEGENER, LOUIS C.....	New York.
RAND, WILLIAM, JR.....	New York.
RANDOLPH, STUART F.....	New York.
REDDING, JOSEPH D.....	New York.
REDDING, WILLIAM A.....	New York.
REDFIELD, HENRY S.....	New York.
REEVES, ALFRED G.....	New York.
RICH, BURDETTE A.....	Rochester.
RIKER, SAMUEL .....	New York.
RODENBECK, ADOLPH J.....	Rochester.
ROE, GILBERT E.....	New York.
ROGERS, HUBERT E.....	New York.
ROGERS, L. HARDING, JR.....	New York.
RONAN, EDWARD D.....	Albany.

## NEW YORK.—Continued.

ROONEY, JOHN JEROME.....	New York.
ROOT, ELIHU (Washington, D. C.).....	New York.
ROSBROOK, ALDEN I.....	Northport.
ROSENBERG, JAMES N.....	New York.
ROUNDS, ARTHUR C.....	New York.
ROWE, WILLIAM V.....	New York.
ROWLETTE, THOMAS M.....	New York.
RUDD, WILLIAM PLATT.....	Albany.
RUSH, THOMAS E.....	New York.
RUSSELL, ISAAC F.....	New York.
RUSSELL, WILLIAM HEPBURN.....	New York.
SACKETT, HENRY W.....	New York.
SAGE, DEAN .....	New York.
SANBORN, FREDERICK H.....	New York.
SANFORD, FERDINAND V.....	Warwick.
SCHURZ, CARL L.....	New York.
SCOTT, JAMES L.....	Saratoga Springs
SCOTT, HENRY W.....	New York.
SEMPLE, OLIVER C.....	New York.
SEXTON, LAWRENCE E.....	New York.
SEXTON, PLINY T.....	Palmyra.
SEYMOUR, HENRY H.....	Buffalo.
SEYMOUR, ORIGEN STORRS.....	New York.
SHEEHAN, WILLIAM F.....	New York.
SHELDON, EDWARD W.....	New York.
SHEPARD, EDWARD M.....	New York.
SHOEMAKER, HERBERT BRODISH.....	New York.
SILKMAN, THEODORE HANNIBAL.....	New York.
SLOCUM, GEORGE FORT.....	Rochester.
SMITH, FRANK SULLIVAN.....	New York.
SMITH, NATHANIEL STEVENS.....	New York.
SMITH, NELSON .....	New York.
SPEIR, GILBERT M.....	New York.
SPIEGELBERG, EUGENE E.....	New York.
SPOONER, JOHN C.....	New York.
STETSON, FRANCIS LYNDE.....	New York.
STEVENS, FREDERICK W.....	New York.
STIER, JOSEPH F.....	New York.
STODDARD, JOHN M.....	New York.
STRAUSS, CHARLES .....	New York.
STURGES, RALPH A.....	New York.
SUGGETT, JOHN W.....	Cortland.
SUMERWELL, E. K.....	New York.

## NEW YORK.—Continued.

SUMNER, EDWARD A.....	New York.
SUTEO, THEODORE .....	New York.
TAGGART, W. RUSH.....	New York.
TANZER, LAURENCE ARNOLD.....	New York.
TAPPAN, J. B. COLES.....	New York.
TAYLOR, HOWARD .....	New York.
TAYLOR, JOHN ROBERT.....	New York.
TAYLOR, WALTER F.....	New York.
TELLER, JOHN D.....	Auburn.
TERRY, CHARLES THADDEUS.....	New York.
THACHER, ARCHIBALD G.....	New York.
THACHER, THOMAS .....	New York.
THORNE, SAMUEL, JR.....	New York.
TICE, DAVID .....	Lockport.
TOMPKINS, HAMILTON B.....	New York.
TRACY, BENJAMIN F.....	New York.
TREMAIN, HENRY EDWIN.....	New York.
TRENHOLM, FRANK .....	New York.
TURRELL, EDGAR A.....	New York.
VAN ALLEN, JOHN W.....	Buffalo.
VANAMEE, WILLIAM .....	Newburgh.
VAN ETTEN, JOHN G.....	Kingston.
VAN SINDEREN, HOWARD .....	New York.
VAN SLYCK, GEORGE W.....	New York.
VIEU, HENRY A.....	New York.
VILLARD, HAROLD G.....	New York.
WADHAMS, FREDERICK E.....	Albany.
WALDO, GEORGE E.....	New York.
WALKER, ALBERT H.....	New York.
WALSH, ARTHUR R.....	Albany.
WARD, HAMILTON .....	Buffalo.
WARD, HENRY GALBRAITH.....	New York.
WARD, HENRY M.....	New York.
WARNER, JAMES HAROLD.....	New York.
WARNER, JOHN DE WITT.....	New York.
WATERS, LOUIS L.....	Syracuse.
WATSON, ARCHIBALD ROBINSON.....	New York.
WEBB, WILLOUGHBY LANE.....	New York.
WELLS, T. TILESTON.....	New York.
WENSLEY, ROBERT L.....	New York.
WETMORE, EDMUND .....	New York.
WHALEN, JOHN .....	New York.
WHEELER, EVERETT P.....	New York.

## NEW YORK.—Continued.

WHITE, HENRY .....	New York.
WHITLOCK, VICTOR E.....	New York.
WHITMAN, MALCOLM D. (Boston, Mass.)....	New York.
WHITNEY, EDWARD B.....	New York.
WHITTLESEY, GRANVILLE .....	New York.
WICKERSHAM, GEORGE W. (Wash., D. C.)....	New York.
WIERUM, OTTO C., JR.....	New York.
WILCOX, ANSLEY .....	Buffalo.
WILDER, WILLIAM ROYAL.....	New York.
WILLIAMS, HENRY DAVISON.....	New York.
WING, HENRY T.....	New York.
WINSLOW, WILLIAM BEVERLY.....	New York.
WISE, EDWARD E.....	New York.
WOLLMAN, HENRY .....	New York.
WOODBUFF, EDWIN H.....	Ithaca.
WORK, JAMES HENRY.....	New York.
WRIGHT, BOARDMAN .....	New York.

## NORTH CAROLINA.

ANDREWS, ALEXANDER BOYD, JR.....	Raleigh.
BIGGS, J. CRAWFORD.....	Durham.
BRIDGERS, JOHN L.....	Tarboro.
BROOKS, AUBREY L.....	Greensboro.
BYNUM, W. P., JR.....	Greensboro.
CLEMENT, L. H.....	Salisbury.
DAVIDSON, THEODORE F.....	Asheville.
DAVIS, THOMAS W.....	Wilmington.
DOUGLAS, ROBERT M.....	Greensboro.
LYON, LUTHER M.....	Wilkesboro.
MANLY, CLEMENT .....	Winston-Salem.
MEARES, IREDELLE .....	Wilmington.
MOORE, CHARLES A.....	Asheville.
PATTERSON, LINDSAY .....	Winston-Salem.
PRESTON, EDMUND R.....	Charlotte.
PRUDEN, WILLIAM D.....	Edenton.
ROLLINS, THOMAS SCOTT.....	Asheville.
ROUNTREE, GEORGE .....	Wilmington.
TOWNES, WILLIAM A.....	Wilmington.
WALKER, PLATT D.....	Raleigh.
WOMACK, THOMAS B.....	Raleigh.

## NORTH DAKOTA.

AMES, F. W.....	Mayville.
AMIDON, CHARLES F.....	Fargo.

## NORTH DAKOTA.—Continued.

AUSTIN, JAMES M.....	Ellendale.
BANGS, GEORGE A.....	Grand Forks.
BANGS, TRACY R.....	Grand Forks.
BEONSON, HARRISON A.....	Grand Forks.
BRUCE, ANDREW A.....	Grand Forks.
CONKLIN, MARION .....	Jamestown.
CORLISS, GUY C. H.....	Grand Forks.
DIVET, A. G.....	Wahpeton.
ELLSWORTH, S. E.....	Jamestown.
KNAUF, JOHN .....	Jamestown.
MURPHY, CHARLES J.....	Grand Forks.
POLLOCK, ROBERT M.....	Fargo.
SKULASON, B. G.....	Grand Forks.
SPALDING, BURLEIGH FOLSOM.....	Fargo.
THOMAS, W. H.....	Leeds.
TURNER, HARRY R.....	Fargo.
WINEMAN, JACOB B.....	Grand Forks.
WINTERER, HERMAN .....	Valley City.
YOUNG, NEWTON C.....	Fargo.

## OHIO.

ANSBERRY, T. T.....	Defiance.
ARNOLD, HARRY B.....	Columbus.
BETTMAN, ALFRED .....	Cincinnati.
BILLINGSLEY, N. B.....	Lisbon.
BRADY, P. J.....	Cleveland.
BURKET, HARLAN F.....	Findlay.
BUSHNELL, T. H.....	Cleveland.
CIST, EDGAR WILSON.....	Cincinnati.
CLARKE, JOHN H.....	Cleveland.
COLSTON, EDWARD .....	Cincinnati.
COOK, E. S.....	Cleveland.
COUSE, HOWARD A.....	Cleveland.
CUSHING, WILLIAM E.....	Cleveland.
DAY, WILLIAM R. (Washington, D. C.).....	Canton.
DEMPSEY, JAMES H.....	Cleveland.
DOYLE, JOHN H.....	Toledo.
DURBAN, FRANK A.....	Zanesville.
FERRIS, AARON A.....	Cincinnati.
FOLLETT, ALFRED DEWEY.....	Marietta.
FOLLETT, MARTIN DEWEY.....	Marietta.
FREIBERG, A. JULIUS.....	Cincinnati.
FULLER, CLIFFORD W.....	Cleveland.
GARFIELD, JAMES R.....	Cleveland.

## OHIO.—Continued.

GEDDES, FREDERICK L.....	Toledo.
GOULDER, HARVEY D.....	Cleveland.
GRANGER, MOSES M.....	Zanesville.
GRANT, RICHARD F.....	Cleveland.
GREVE, CHARLES THEODORE.....	Cincinnati.
HADDEN, ALEXANDER .....	Cleveland.
HARMON, JUDSON .....	Cincinnati.
HARPER, JACOB CHANDLER.....	Cincinnati.
HENDERSON, JOHN M.....	Cleveland.
HINES, CLARK B.....	Bellville.
HOADLY, GEORGE .....	Cincinnati.
HOFFHEIMER, HARRY M.....	Cincinnati.
HOGSETT, THOMAS H.....	Cleveland.
HOLLISTER, THOMAS .....	Cincinnati.
HOWLAND, PAUL .....	Cleveland.
HOYT, JAMES H.....	Cleveland.
HUNT, CHARLES J.....	Cincinnati.
JAMES, BENJAMIN F.....	Bowling Green.
JAMES, FRANCIS B.....	Cincinnati.
JOHNSON, HOMER H.....	Cleveland.
JOHNSON, SIMEON M.....	Cincinnati.
JONES, ASAH EL W.....	Burg Hill.
JONES, RANKIN D.....	Cincinnati.
KENNON, NEWELL K.....	St. Clairsville.
KIBLER, EDWARD .....	Newark.
KING, EDMUND B.....	Sandusky.
KING, ROBERT J.....	Zanesville.
KLINE, VIRGIL P.....	Cleveland.
KNIGHT, WALTER A.....	Cincinnati.
MACKOY, HARRY BRENT.....	Cincinnati.
MACKOY, WM. H.....	Cincinnati.
MATTHEWS, C. BENTLEY.....	Cincinnati.
MATTHEWS, MORTIMER .....	Cincinnati.
MAXWELL, LAWRENCE, JR.....	Cincinnati.
MORTON, ELBERT C.....	Columbus.
MULLINS, FREDERIC J.....	Salem.
MCCARTER, EDWARD B.....	Columbus.
MCCARTHY, M. B.....	Toledo.
MCMAHON, J. SPRIGG.....	Dayton.
NORRIS, MYRON A.....	Youngstown.
PATTERSON, M. R.....	Columbus.
PECK, HIRAM D.....	Cincinnati.
POMERENE, ATLEE .....	Canton.
QUAIL, FRANK A.....	Cleveland.



## OHIO.—Continued.

RANNEY, HENRY C.....	Cleveland.
RIGHTMIRE, GEORGE W.....	Columbus.
ROBERTSON, C. D.....	Cincinnati.
ROGERS, WILLIAM P.....	Cincinnati.
SALTZGABER, GAYLARD M.....	Van Wert.
SANDERS, W. B.....	Cleveland.
SAYLER, JOHN RYNER.....	Cincinnati.
SMEDES, JOHN MARSHALL.....	Cincinnati.
SMITH, RUFUS B.....	Cincinnati.
SQUIRE, ANDREW .....	Cleveland.
STEWART, GILBERT H.....	Columbus.
STOEHR, OSCAR .....	Cincinnati.
STRICKER, SIDNEY G.....	Cincinnati.
STRONG, EDWARD W.....	Cincinnati.
TAFT, FREDERICK L.....	Cleveland.
TAFT, WILLIAM H. (Washington, D. C.)....	Cincinnati.
TOLLES, SHELDON H.....	Cleveland.
VANDEMAN, JOHN N.....	Dayton.
VORYS, ARTHUR I.....	Lancaster.
WARRINGTON, JOHN W.....	Cincinnati.
WHEELER, SETH S.....	Lima.
WORTHINGTON, WILLIAM .....	Cincinnati.
YOUNG, GEORGE R.....	Dayton.

## OKLAHOMA.

AMES, CHARLES B.....	Oklahoma City.
ASP, HENRY E.....	Guthrie.
BIERER, A. G. CURTIN.....	Guthrie.
BLAKE, ERNEST E.....	El Reno.
BLEDSON, S. T.....	Guthrie.
BRATED, FRED. ....	Oklahoma City.
BURWELL, BENJAMIN F.....	Oklahoma City.
CLAPHAM, WILLIAM E.....	Vinita.
DAVENPORT, JAMES S.....	Vinita.
FECHHEIMER, CHARLES M.....	Chickasha.
FLYNN, DENNIS T.....	Oklahoma City.
GUERRIER, S. ....	McAlester.
HARRIS, S. H.....	Oklahoma City.
JACKSON, CLIFFORD L.....	Muskogee.
KANE, MATTHEW J.....	Guthrie.
KEATON, J. R.....	Oklahoma City.
KORNEGAY, W. H.....	Vinita.
LEDBETTER, WALTER A.....	Oklahoma City.
MOSIER, JOHN H.....	Muskogee.

## OKLAHOMA.—Continued.

RALIS, JOSEPH G.....	Atoka.
SHARP, J. F.....	Purcell.
SHEAR, B. D.....	Oklahoma City.
WELLS, FRANK .....	Oklahoma City.
WEST, PRESTON C.....	Muskogee.
WOMACK, T. J.....	Alva.
WOODS, CHARLES H.....	Guthrie.
WRIGHTSMAN, CHARLES J.....	Tulsa.
YANCEY, DAVID WALKER.....	Muskogee.

## OREGON.

BEAN, ROBERT S.....	Portland.
BELL, J. W.....	Portland.
BERNSTEIN, ALEXANDER .....	Portland.
BRONAUGH, JERRY E.....	Portland.
CAREY, CHARLES H.....	Portland.
CHAMBERLAIN, GEORGE E.....	Portland.
COHEN, D. SCLIS.....	Portland.
COHEN, MAX G.....	Portland.
DILLARD, WM. B.....	St. Helen.
DUNIWAY, RALPH R.....	Portland.
EAKIN, ROBERT .....	Salem.
FISHER, RALPH B.....	Portland.
FLANDERS, J. C.....	Portland.
GANTENBEIN, CALVIN U.....	Portland.
GEARIN, JOHN M.....	Portland.
GEISLER, T. J.....	Portland.
GILBERT, W. B.....	Portland.
GLEASON, JAMES .....	Portland.
GOTENS, W. U.....	Salem.
GRANT, FRANK S.....	Portland.
GREENE, THOMAS G.....	Portland.
HAYTER, OSCAR .....	Dallas.
HENDERSON, JOHN LELAND.....	Hood River.
HERZ, PHILIP .....	Portland.
HOLMAN, FREDERICK V.....	Portland.
KERR, JAMES B.....	Portland.
KING, WILL R.....	Salem.
LA ROCHE, WALTER P.....	Portland.
LINTHICUM, S. B.....	Portland.
MINOR, WIRT .....	Portland.
MONTAGUE, RICHARD W.....	Portland.
MOORE, F. A.....	Salem.
MOORELAND, J. C.....	Salem.
MORROW, ROBERT G.....	Portland.

## OREGON.—Continued.

MUIR, WILLIAM T.....	Portland.
MULKEY, FREDERICK W.....	Portland.
M McNARY, JOHN H.....	Salem.
O'DAY, THOMAS .....	Portland.
PETRAIN, CHARLES A.....	Portland.
SCHNABEL, CHARLES J.....	Portland.
SMITH, MILTON W.....	Portland.
TAGGART, EDWARD T.....	Portland.
TEAL, JOSEPH U.....	Portland.
TIFFT, ARTHUR P.....	Portland.
VAN ZANTE, JOHN.....	Portland.
WEBSTER, LIONEL R.....	Portland.
WOLVERTON, CHARLES E.....	Portland.
WOOD, C. E. S.....	Portland.

## PENNSYLVANIA.

ABBOTT, EDWIN M.....	Philadelphia.
ALEXANDER, BENJAMIN .....	Philadelphia.
ALEXANDER, LUCIEN H.....	Philadelphia.
ALLEN, WILLIAM HARRISON.....	Warren.
ANDERSON, WILLIAM Y. C.....	Philadelphia.
ANDRE, JOHN K.....	Philadelphia.
ASHHURST, RICHARD L.....	Philadelphia.
BAER, GEORGE F.....	Reading.
BARNES, JOHN HAMPTON.....	Philadelphia.
BAYARD, JAMES WILSON.....	Philadelphia.
BEDFORD, J. CLAUDE.....	Philadelphia.
BEEBER, DIMNER .....	Philadelphia.
BELL, JOHN C.....	Philadelphia.
BERTOLETTE, FREDERICK .....	Mauch Chunk.
BIDDLE, CHARLES .....	Philadelphia.
BINNEY, CHARLES CHAUNCEY.....	Philadelphia.
BLAKELEY, WILLIAM A.....	Pittsburgh.
BLANCHARD, JOHN .....	Bellefonte.
BOHLEN, FRANCIS H.....	Philadelphia.
BRIGHTLY, FRANK F.....	Philadelphia.
BROWN, FRANCIS SHUNK.....	Philadelphia.
BROWN, J. HAY.....	Lancaster.
BROWN, JOHN A.....	Philadelphia.
BROWN, JOHN DOUGLASS.....	Philadelphia.
BUDD, HENRY .....	Philadelphia.
BURNETT, WILLIAM H.....	Philadelphia.
BURR, CHARLES H.....	Philadelphia.
CADWALADER, JOHN .....	Philadelphia.

## PENNSYLVANIA.—Continued.

CARSON, HAMPTON L.....	Philadelphia.
CHAMBERS, FRANCIS T.....	Philadelphia.
CHAPMAN, S. SPENCER.....	Philadelphia.
CHRISTY, GEORGE H.....	Pittsburgh.
CLEMENT, CHARLES M.....	Sunbury.
COLAHAN, JOHN BARRY.....	Philadelphia.
CROCKER, WILLIAM D.....	Williamsport.
CUYLER, THOMAS DEWITT.....	Philadelphia.
DANA, SAMUEL W.....	New Castle.
DICKSON, SAMUEL .....	Philadelphia.
DUANE, RUSSELL .....	Philadelphia.
ELLIOT, FRANK S.....	Philadelphia.
ENDLICH, GUSTAV A.....	Reading.
ESLING, HENRY C.....	Philadelphia.
EWING, NATHANIEL .....	Uniontown.
FARQUHAR, GUY E.....	Pottsville.
FENTON, HECTOR T.....	Philadelphia.
FISHER, WILLIAM RIGHTER.....	Philadelphia.
FLAHERTY, JAMES A.....	Philadelphia.
FOX, EDWARD J.....	Easton.
FRALEY, JOSEPH C.....	Philadelphia.
FREDERICKS, JOHN T.....	Williamsport.
FUTRELL, WILLIAM H.....	Philadelphia.
GATES, THOMAS S.....	Philadelphia.
GEST, JOHN MARSHALL.....	Philadelphia.
GEYELIN, HENRY LAUSSAT.....	Philadelphia.
GILBERT, LYMAN D.....	Harrisburg.
GLASGOW, WILLIAM A., JR.....	Philadelphia.
GRAHAM, GEORGE S.....	Philadelphia.
GRAY, JAMES C.....	Pittsburgh.
GRIFFITH, WARREN G.....	Philadelphia.
GUTHRIE, GEORGE W.....	Pittsburgh.
HAGAN, A. C.....	Uniontown.
HALL, WILLIAM M.....	Pittsburgh.
HAMBLIN, LYNNE AYRES.....	Ridgway.
HARGEST, WILLIAM M.....	Harrisburg.
HARRITY, WILLIAM F.....	Philadelphia.
HAZZARD, VERNON .....	Monongahela.
HEMPHILL, JOSEPH .....	West Chester.
HENING, CRAWFORD D.....	Philadelphia.
HENSEL, W. U.....	Lancaster.
HEWITT, LUTHER E.....	Philadelphia.
HIESTER, ISAAC .....	Reading.
HOPWOOD, R. F.....	Uniontown.

## PENNSYLVANIA.—Continued.

HOWSON, CHARLES .....	Philadelphia.
HOYT, HENRY M. (Washington, D. C.) .....	Philadelphia.
HUNTER, ERNEST HOWARD .....	Philadelphia.
JAYNE, H. LABARRE .....	Philadelphia.
JENKS, ROBERT D. ....	Philadelphia.
JONES, J. LEVERING .....	Philadelphia.
JONES, RICHMOND L. ....	Reading.
KANE, FRANCIS FISHER .....	Philadelphia.
KAY, JAMES I. ....	Pittsburgh.
KEATOR, JOHN F. ....	Philadelphia.
KNIGHT, HARRY S. ....	Sunbury.
KNOX, P. C. (Washington, D. C.) .....	Pittsburgh.
LAMBERTON, JAMES M. ....	Harrisburg.
LANDIS, CHARLES I. ....	Lancaster.
LEAMING, THOMAS .....	Philadelphia.
LEONARD, FREDERICK M. ....	Philadelphia.
LEWIS, FRANCIS D. ....	Philadelphia.
LEWIS, JOHN F. ....	Philadelphia.
LEWIS, W. DRAPER .....	Philadelphia.
LINDSEY, EDWARD .....	Warren.
LINN, WILLIAM B. ....	Philadelphia.
LLOYD, MALCOLM, JR. ....	Philadelphia.
LYON, WALTER .....	Pittsburgh.
MAFFETT, JAMES T. ....	Clarion.
MARTIN, J. WILLIS .....	Philadelphia.
MERCUR, RODNEY A. ....	Towanda.
MERVINE, NICHOLAS P. ....	Altoona.
MESTREZAT, S. LESLIE .....	Uniontown.
MIKELL, WILLIAM E. ....	Philadelphia.
MILLER, E. SPENCER .....	Philadelphia.
MILLER, N. DUBOIS .....	Philadelphia.
MINER, SIDNEY R. ....	Wilkes Barre.
MORGAN, CHARLES E., JR. ....	Philadelphia.
MORGAN, RANDAL .....	Philadelphia.
MORRIS, ROLAND S. ....	Philadelphia.
MUNSON, C. LARUE .....	Williamsport.
M'CAULEY, C. H. ....	Ridgway.
MCCLINTOCK, ANDREW H. ....	Wilkes Barre.
MCCLUNG, WM. H. ....	Pittsburgh.
MCCLURE, HAROLD M. ....	Lewisburg.
NEILSON, WILLIAM D. ....	Philadelphia.
NICHOLS, H. S. P. ....	Philadelphia.
NILES, HENRY C. ....	York.
NORTH, E. D. ....	Lancaster.

## PENNSYLVANIA.—Continued.

O'CONNOR, FRANCIS J.....	Johnstown.
OLMSTED, MARLIN E.....	Harrisburg.
PAGE, HOWARD WURTS.....	Philadelphia.
PAGE, S. DAVIS.....	Philadelphia.
PALMER, HENRY W.....	Wilkes Barre.
PATTERSON, GEORGE S.....	Philadelphia.
PATTERSON, ROSWELL H.....	Scranton.
PATTERSON, T. ELLIOTT.....	Philadelphia.
PATTERSON, THOMAS .....	Pittsburgh.
PEALE, S. R.....	Lock Haven.
PENNYPACKER, CHARLES H.....	West Chester.
PENNYPACKER, SAMUEL W.....	Schwenksville.
PEPPER, GEORGE WHARTON.....	Philadelphia.
PETTIT, HOBACE .....	Philadelphia.
PLAYFORD, R. W.....	Uniontown.
PORTER, WILLIAM D.....	Pittsburgh.
PRICHARD, FRANK P.....	Philadelphia.
PRINCE, LEON C.....	Carlisle.
RALSTON, ROBERT .....	Philadelphia.
RAWLE, FRANCIS .....	Philadelphia.
RAWLE, FRANCIS WILLIAM.....	Philadelphia.
REARDON, JOHN J.....	Williamsport.
REID, AMBROSE B.....	Pittsburgh.
RICE, WILLIAM E.....	Warren.
ROBERTS, OWEN J.....	Philadelphia.
RODDY, GEORGE BLACK.....	New Bloomfield.
ROGERS, JOHN I.....	Philadelphia.
ROWE, LEE STANTON.....	Philadelphia.
RUHL, CHRISTIAN H.....	Reading.
RYON, WILLIAM W.....	Shamokin.
SCHAFER, WILLIAM I.....	Chester.
SCHWARTZ, SYDNEY A.....	Titusville.
SCOVILLE, SAMUEL, JR.....	Philadelphia.
SEIBERT, WILLIAM N.....	New Bloomfield.
SHIELDS, JAMES M.....	Pittsburgh.
SHIRAS, GEORGE, JR. (Washington, D. C.)....	Pittsburgh.
SIMPSON, ALEXANDER, JR.....	Philadelphia.
SMEAD, A. D. B.....	Carlisle.
SMITH, ALFRED PERCIVAL.....	Philadelphia.
SMITH, THOMAS KILBY.....	Philadelphia.
SMITH, WALTER GEORGE.....	Philadelphia.
SMITHERS, WILLIAM W.....	Philadelphia.
SNARE, JACOB .....	Philadelphia.

## PENNSYLVANIA.—Continued.

SNODGRASS, ROBERT .....	Harrisburg.
STAAKE, WILLIAM H.....	Philadelphia.
STEELE, HENRY J.....	Easton.
STERRETT, JAMES R.....	Pittsburgh.
STEWART, WILLIAM M., JR.....	Philadelphia.
STEWART, RUSSELL C.....	Easton.
STEWART, W. F. BAY.....	York.
STILLWELL, JAMES C.....	Philadelphia.
STOEVEY, WILLIAM C.....	Philadelphia.
STOUGHTON, A. B.....	Philadelphia.
STROH, CHARLES C.....	Harrisburg.
SULZBERGER, MAYER .....	Philadelphia.
SWEARINGEN, J. M.....	Pittsburgh.
SYNNESTVEDT, PAUL .....	Pittsburgh.
TAULANE, JOSEPH H.....	Philadelphia.
TAYLOR, JOSEPH T.....	Philadelphia.
THOMAS, SAMUEL HINDS.....	Philadelphia.
THOMPSON, A. M.....	Pittsburgh.
THOMPSON, SAMUEL G.....	Philadelphia.
TODD, M. HAMPTON.....	Philadelphia.
TOWNSEND, CHARLES C.....	Philadelphia.
TRICKETT, WILLIAM .....	Carlisle.
TURNER, WILLIAM JAY.....	Philadelphia.
UMBEL, ROBERT E.....	Uniontown.
VITI, MARCEL A.....	Philadelphia.
VON MOSCHZISKE, ROBERT.....	Philadelphia.
WALTON, HENRY F.....	Philadelphia.
WATSON, DAVID THOMPSON.....	Pittsburgh.
WATTERSON, A. V. D.....	Pittsburgh.
WAY, WILLIAM A.....	Pittsburgh.
WEAVER, JOHN .....	Philadelphia.
WEIL, A. LEO.....	Pittsburgh.
WEIMER, ALBERT B.....	Philadelphia.
WETHERILL, CHARLES .....	Philadelphia.
WETHERILL, JOHN LAWRENCE.....	Philadelphia.
WHITLOCK, HENRY C.....	Philadelphia.
WILCOX, WILLIAM A.....	Scranton.
WILLARD, EDWARD N.....	Scranton.
WILLIAMS, IRA JEWELL.....	Philadelphia.
WILLIAMS, J. HENRY.....	Philadelphia.
WINDLE, WILLIAM S.....	West Chester.
WINTERNITZ, BENJAMIN A.....	New Castle.
WINTERSTEEN, ABRAM H.....	Philadelphia.
WISE, JESSE H.....	Pittsburgh.

## PENNSYLVANIA.—Continued.

WOLVERTON, SIMON P.....	Suñbury.
WOODBUFF, CLINTON ROGERS.....	Philadelphia.
WORK, JAMES C.....	Uniontown.

## RHODE ISLAND.

ALDRICH, CLARENCE A.....	Providence.
ANGELL, WALTER F.....	Providence.
BAKER, ALBERT A.....	Providence.
BAKER, DARIUS .....	Newport.
BALLOU, DANIEL R.....	Providence.
BARNEY, WALTER H.....	Providence.
BARROWS, CHESTER W.....	Providence.
BOSWORTH, ORRIN L.....	Bristol.
COLT, LEBARON B.....	Providence.
COMSTOCK, RICHARD B.....	Providence.
CRAM, HENRY C.....	Providence.
CURTIS, HARRY C.....	Providence.
EATON, AMASA M.....	Providence.
EDWARDS, SEEGER .....	Providence.
GARDNER, RATHBONE .....	Providence.
GERRY, ELBRIDGE T.....	Newport.
GREENOUGH, WILLIAM B.....	Providence.
HEFFERNAN, JOHN J.....	Woonsocket.
HIGGINS, JAMES H.....	Providence.
HINCKLEY, FRANK L.....	Providence.
HOGAN, JOHN W.....	Providence.
HUDDY, GEORGE H., JR.....	Providence.
JENCKES, THOMAS A.....	Providence.
LEE, THOMAS ZANSLAUB.....	Providence.
LITTLEFIELD, NATHAN W.....	Providence.
LYMAN, RICHARD E.....	Providence.
MURDOCK, JOHN S.....	Providence.
MCCAFFREY, JOSEPH J.....	Providence.
MCDONNELL, THOMAS F. I.....	Providence.
POTTER, DEXTER B.....	Providence.
RATHBUN, ELMER J.....	Providence.
RICH, WILLIAM G.....	Woonsocket.
THURSTON, WILMARTH H.....	Providence.
TILLINGHAST, FRANK W.....	Providence.
TILLINGHAST, JAMES .....	Providence.
TILLINGHAST, WILLIAM R.....	Providence.
WILLIAMS, OLIVER H.....	Westerly.
WILSON, CHARLES A.....	Providence.
WOODS, JOHN CARTER BROWN.....	Providence.



## SOUTH CAROLINA.

BARRON, CHARLES H.....	Columbia.
BUIST, HENRY .....	Charleston.
FITZSIMONS, W. HUGER.....	Charleston.
HAGOOD, BENJAMIN A.....	Charleston.
HERBERT, R. BEVERLY.....	Columbia.
HOLMAN, W. A.....	Charleston.
HYDE, SIMEON .....	Charleston.
LYLES, WILLIAM H.....	Columbia.
MOORE, M. HERNDON.....	Columbia.
MORDECAI, T. MOULTRIE.....	Charleston.
MOWER, GEORGE SEWELL.....	Newberry.
MCMAHON, JOHN J.....	Columbia.
OTTS, J. C.....	Gaffney.
SIMPSON, S. J.....	Spartanburg.
SMYTHE, AUGUSTINE T.....	Charleston.
THOMAS, JOHN P., JR.....	Columbia.
WILLCOX, P. A.....	Florence.

## SOUTH DAKOTA.

AIKENS, FRANK R.....	Sioux Falls.
BAILEY, CHARLES O.....	Sioux Falls.
CHERRY, W. S. G.....	Sioux Falls.
CRAWFORD, COE I.....	Huron.
GEORGE, JAMES A.....	Deadwood.
ISSENHUTH, WILLIAM .....	Redfield.
KEITH, HOSMER H.....	Sioux Falls.
PAYNE, JASON E.....	Vermillion.
RICE, WILLIAM G.....	Deadwood.
STERLING, THOMAS .....	Vermillion.
TAYLOR, A. E.....	Huron.
TRIPP, BARTLETT .....	Yankton.
VOORHEES, JOHN H.....	Sioux Falls.
WAGNER, E. E.....	Alexandria.
WHITING, CHARLES S.....	Pierre.
WILMARTH, A. W.....	Huron.

## TENNESSEE.

ANDERSON, JAMES H.....	Chattanooga.
BANKS, LEM. ....	Memphis.
BARTHELL, EDWARD E.....	Nashville.
BARTON, JR., R. M.....	Chattanooga.
BAXTER, E. J.....	Jonesboro.
BAXTER, ED. ....	Nashville.
BIGGS, A. W.....	Memphis.
BONNER, J. W.....	Nashville.

## TENNESSEE.—Continued.

BOYD, CLARENCE T.....	Nashville.
BROWN, FOSTER V.....	Chattanooga.
BURCH, CHARLES N.....	Memphis.
CAIN, STITH M.....	Nashville.
CAMP, E. C.....	Knoxville.
CAMPBELL, LEMUEL R.....	Nashville.
CARROLL, WILLIAM H.....	Memphis.
CATES, CHARLES T., JR.....	Knoxville.
COLEMAN, LEWIS MINOR.....	Chattanooga.
COOPER, WILLIAM THOMAS.....	Chattanooga.
EVANS, CHARLES R.....	Chattanooga.
FITZHUGH, G. T.....	Memphis.
HALL, ALLEN G.....	Nashville.
HARWOOD, THOMAS E.....	Trenton.
HENDERSON, G. MC.....	Rutledge.
HUGHES, ALLEN .....	Memphis.
INGERSOLL, HENRY H.....	Knoxville.
KEEBLE, JOHN B.....	Nashville.
LANCASTER, GEORGE D.....	Chattanooga.
LEA, OVERTON .....	Nashville.
LUSK, ROBERT .....	Nashville.
LYNCH, J. J.....	Chattanooga.
MADDIN, PERCY D.....	Nashville.
MAYFIELD, J. E.....	Cleveland.
MAYNARD, JAMES, JR.....	Knoxville.
METCALF, CHARLES W.....	Memphis.
MOUNTCASTLE, R. E. L.....	Knoxville.
MCCONNICO, K. T.....	Nashville.
OWENS, WILLIAM A.....	La Follette.
PERCY, WILLIAM A.....	Memphis.
PILCHER, JAMES STUART.....	Nashville.
ROGERS, FRANK M.....	Memphis.
SANFORD, EDWARD T. (Washington, D. C.)...	Knoxville.
SIVLEY, CLARENCE L.....	Memphis.
SMITH, HENRY E.....	Nashville.
SMITH, ROBERT T.....	Nashville.
SMITH, SAMUEL BOSWORTH.....	Chattanooga.
STEEN, J. M.....	Memphis.
STOKES, GORDON .....	Nashville.
SWANEY, W. B.....	Chattanooga.
TILLMAN, A. M.....	Nashville.
VAN DEVENTER, HORACE.....	Knoxville.
VEETREES, JOHN J.....	Nashville.
WALLER, CLAUDE .....	Nashville.
WILLIAMS, SAMUEL C.....	Johnson City.
YOUNG, DAVID K.....	Clinton.

## TEXAS.

AUTRY, JAMES L.....	Houston.
BURGES, WILLIAM H.....	El Paso.
CARTER, H. C.....	San Antonio.
COKE, HENRY C.....	Dallas.
DYER, JOHN L.....	El Paso.
EDWARDS, PEYTON F.....	El Paso.
GAINES, R. R.....	Austin.
GLASS, HIRAM .....	Texarkana.
HUME, F. CHARLES, JR.....	Houston.
KELLER, C. A.....	San Antonio.
MILLER, T. S.....	Dallas.
MCCLENDON, JAMES W.....	Austin.
MCCORMICK, JOSEPH MANSON.....	Dallas.
MCLAUBIN, LAUCH .....	Austin.
OGDEN, CHARLES W.....	San Antonio.
PHILLIPS, NELSON .....	Dallas.
POLLARD, CLAUDE .....	Kingsville.
POTTER, C. C.....	Gainesville.
SAMUELS, SIDNEY L.....	Fort Worth.
SANER, ROBERT E. LEE.....	Dallas.
SEARCY, WILLIAM W.....	Brenham.
SPOONTS, M. A.....	Fort Worth.
STREET, ROBERT G.....	Galveston.
TERRY, J. W.....	Galveston.
TOWNES, JOHN C.....	Austin.
WOODS, J. H.....	Corsicana.

## UTAH.

CRITCHLOW, EDWARD B.....	Salt Lake City.
GIBSON, GEORGE J.....	Salt Lake City.
KINNEY, CLESSON S.....	Salt Lake City.
PARSONS, CHARLES C.....	Salt Lake City.
SMITH, GEORGE H.....	Salt Lake City.
SNYDER, WILSON I.....	Salt Lake City.
VARIAN, CHARLES S.....	Salt Lake City.
WILLIAMS, P. L.....	Salt Lake City.

## VERMONT.

BARBER, O. M.....	Bennington.
BUTLER, FREDERICK M.....	Rutland.
MCCULLOUGH, JOHN G.....	No. Bennington.
PROUTY, CHARLES A. (Washington, D. C.)...	Newport.
ROBB, CHARLES H. (Washington, D. C.).....	Bellows Falls.
TAFT, ELIHU B.....	Burlington.

## VIRGINIA.

ADAMS, RICHARD H. T., JR.....	Lynchburg.
BARBOUR, JOHN S.....	Fairfax.
BRAXTON, A. C.....	Richmond.
BRYAN, GEORGE .....	Richmond.
BULLITT, JOSHUA F.....	Big Stone Gap.
CABELL, P. H. C.....	Richmond.
CATON, JAMES R.....	Alexandria.
CHRISTIAN, FRANK P.....	Lynchburg.
COCKE, LUCIAN H.....	Roanoke.
CORBITT, JAMES H.....	Suffolk.
CUMMING, S. GORDON.....	Hampton.
DAVIS, CHARLES HALL.....	Petersburg.
DAVIS, RICHARD B.....	Petersburg.
DAVIS, RICHARD J.....	Portsmouth.
FLOOD, H. D.....	Appomattox.
GARNETT, THEODORE S.....	Norfolk.
GILLIAM, MARSHALL M.....	Richmond.
GRAVES, CHARLES A.....	Univ. of Va.
GREGORY, GEORGE C.....	Richmond.
GREGORY, ROGER .....	Elsing Green.
GRIFFIN, S .....	Bedford City.
GRINNAN, DANIEL .....	Richmond.
HAMILTON, ALEXANDER .....	Petersburg.
HARRISON, RANDOLPH .....	Lynchburg.
HATTON, GOODRICH .....	Portsmouth.
HEATH, JAMES ELLIOTT.....	Norfolk.
HUGHES, ROBERT M.....	Norfolk.
HUNTON, EPPA, JR.....	Richmond.
LEWIS, LUNSFORD L.....	Richmond.
LONG, ARMISTEAD R.....	Lynchburg.
MASSIE, EUGENE C.....	Richmond.
MEREDITH, CHARLES V.....	Richmond.
MINOR, RALEIGH C.....	Charlottesville.
MUNFORD, BEVERLEY B.....	Richmond.
MURRELL, WILLIAM M.....	Lynchburg.
McHUGH, CHARLES A.....	Roanoke.
PAGE, ROSEWELL .....	Richmond.
PATTERSON, A. W.....	Richmond.
PATTESON, S. S. P.....	Richmond.
PICKRELL, JOHN .....	Richmond.
PRENTIS, ROBERT R.....	Suffolk.
ROBERTSON, WILLIAM GORDON.....	Roanoke.
SEATON, EMMETT .....	Richmond.
SHELTON, THOMAS WALL.....	Norfolk.

## VIRGINIA.—Continued.

SMITH, WILLIS B.....	Richmond.
STERN, JO. LANE.....	Richmond.
TENNANT, W. B.....	Richmond.
THOMASON, E. B.....	Richmond.
TUCKER, HENRY ST. GEORGE.....	Lexington.
WATTS, LEGH R.....	Portsmouth.
WILLIAMS, E. RANDOLPH.....	Richmond.
WYSOR, JOSEPH C.....	Pulaski.
YARBELL, LEONIDAS D.....	Emporia.

## WASHINGTON.

ABBOTT, WILLIAM H.....	Bellingham.
ABEL, W. H.....	Montesano.
ALBERTSON, ROBERT B.....	Seattle.
ALBRIGHT, J. W.....	Seattle.
ALLEN, ALBERT .....	Spokane.
ALLEN, T. N.....	Olympia.
ALLISON, WILLIAM B.....	Seattle.
ALSTON, G. C.....	Everett.
ANDERSON, A. A.....	Seattle.
ASHTON, JAMES M.....	Tacoma.
AUST, GEORGE F.....	Seattle.
AVERY, A. G.....	Spokane.
BAILEY, GEORGE H.....	Seattle.
BALLIET, ANDREW J.....	Seattle.
BALLINGER, HARRY .....	Seattle.
BALLINGER, RICHARD A.....	Seattle.
BARNEY, C. R.....	Seattle.
BATTLE, ALFRED .....	Seattle.
BAUSMAN, FREDERICK .....	Seattle.
BEALS, WALTER B.....	Seattle.
BEDFORD, CHARLES .....	Tacoma.
BELL, W. P.....	Everett.
BLACK, ALFRED L.....	Bellingham.
BLACK, W. W.....	Everett.
BLAINE, ELBERT F.....	Seattle.
BLAKE, HENRY F.....	Seattle.
BOGLE, W. H.....	Seattle.
BONER, W. W.....	Aberdeen.
BOOTH, ROBERT F.....	Seattle.
BOSTWICK, S. A.....	Everett.
BRANDT, EMIL J.....	Seattle.
BREWER, L. H.....	Hoquiam.
BRIDGERS, J. B.....	Aberdeen.
BROCKETT, NORWOOD W.....	Seattle.

## WASHINGTON.—Continued.

BRONSON, IRA .....	Seattle.
BROOKS, J. W. ....	Walla Walla.
BROWN, FREDERICK V. ....	Seattle.
BROWN, L. FRANK. ....	Seattle.
BROWNELL, F. H. ....	Everett.
BRUCE, S. M. ....	Bellingham.
BRYSON, HERBERT C. ....	Walla Walla.
BUNN, JOHN MARSHALL. ....	Spokane.
BURKE, THOMAS .....	Seattle.
BYERS, ALPHEUS .....	Seattle.
CAIN, OSCAR .....	Walla Walla.
CALHOUN, SCOTT .....	Seattle.
CALLAHAN, JAMES P. H. ....	Hoquiam.
CAMPBELL, IRA A. ....	Seattle.
CANFIELD, H. W. ....	Colfax.
CANNON, E. J. ....	Spokane.
CARR, E. M. ....	Seattle.
CARROLL, P. P. ....	Seattle.
CARVER, F. J. ....	Seattle.
CHADWICK, STEPHEN J. ....	Colfax.
CHENEY, B. G. ....	Montesano.
CHESTER, L. F. ....	Tacoma.
CLIFFORD, M. L. ....	Tacoma.
COLE, GEORGE B. ....	Seattle.
COLEMAN, J. A. ....	Everett.
COLLINS, JOSIAH .....	Seattle.
CONDON, JOHN T. ....	Seattle.
CONOVER, D. C. ....	Seattle.
COOLEY, H. D. ....	Everett.
CROSS, J. C. ....	Aberdeen.
CROW, HERMAN D. ....	Olympia.
CUSHMAN, EDWARD E. ....	Tacoma.
DAWSON, WM. SHERMAN. ....	Spokane.
DEBRULER, ELLIS .....	Seattle.
DELLE, LEE C. ....	North Yakima.
DE STEIGUER, GEORGE E. ....	Seattle.
DEWART, FREDERICK W. ....	Spokane.
DONWORTH, GEORGE .....	Seattle.
DORR, CHARLES W. (San Francisco, Cal.) ....	Bellingham.
DOVELL, W. T. ....	Seattle.
DUDLEY, FREDERICK M. ....	Spokane.
DUMPHY, W. H. ....	Walla Walla.
EASTERDAY, J. H. ....	Tacoma.
EDGE, LESTER P. ....	Spokane.
EDWARDS, MARION .....	Seattle.

## WASHINGTON.—Continued.

EMMONS, RALPH W.....	Seattle.
ENGLEHART, IRA P.....	North Yakima.
ESKRIDGE, RICHARD STEVENS.....	Seattle.
EVANS, MARVIN .....	Walla Walla.
EVERETT, WILLIS E.....	Tacoma.
FAIRCHILD, H. A.....	Olympia.
FALKNOB, A. J.....	Seattle.
FARRELL, C. H.....	Seattle.
FAUSSETT, R. J.....	Everett.
FERRY, PIERRE P.....	Seattle.
FIELD, HEMAN H.....	Seattle.
FLEDT, WILLIAM H.....	Seattle.
FLEWELLING, ALBERT L.....	Spokane.
FOLSON, MYRON A.....	Spokane.
FORCE, H. C.....	Seattle.
FOSTER, H. E.....	Seattle.
FRATER, A. W.....	Seattle.
FRYE, HERMON S.....	Seattle.
FULTON, WALTER S.....	Seattle.
GARLAND, HUGH A.....	Seattle.
GARRECHT, F. A.....	Walla Walla.
GASTON, O. C.....	Everett.
GAY, WILSON R.....	Seattle.
GEPHART, JAMES M.....	Seattle.
GILBERT, W. S.....	Spokane.
GILL, H. C.....	Seattle.
GILMAN, L. C.....	Seattle.
GLEASON, CHARLES S.....	Seattle.
GODMAN, M. M.....	Seattle.
GOODNER, IVAN W.....	Seattle.
GORDON, M. J.....	Spokane.
GORHAM, WILLIAM H.....	Seattle.
GOSE, C. C.....	Walla Walla.
GOSE, M. F.....	Pomeroy.
GOSE, T. P.....	Walla Walla.
GRANGER, H. T.....	Seattle.
GRAVES, F. H.....	Spokane.
GRAVES, WILL G.....	Spokane.
GREENE, ROGER S.....	Seattle.
GRIGGS, HERBERT S.....	Tacoma.
GROSSCUP, BENJAMIN S.....	Tacoma.
GUIE, E. H.....	Seattle.
HADLEY, A. M.....	Bellingham.
HADLEY, HIRAM E.....	Bellingham.
HADLEY, LIN H.....	Bellingham.

## WASHINGTON.—Continued.

HAIGHT, J. A.....	Seattle.
HALL, CALVIN S.....	Seattle
HALVERSTADT, D. V.....	Seattle.
HAMBLIN, L. R.....	Spokane.
HANFORD, CORNELIUS H.....	Seattle.
HAPPY, CYRUS .....	Spokane.
HARTMAN, JOHN P.....	Seattle.
HASTINGS, H. H. A.....	Seattle.
HAWTHORNE, JOSEPH M.....	Seattle.
HEATH, SIDNEY MOORE.....	Hoquiam.
HEATON, OSCAR G.....	Seattle.
HERR, WILLIS B.....	Seattle.
HIGGINS, JOHN C.....	Seattle.
HILL, SAMUEL .....	Seattle.
HINDMAN, W. W.....	Spokane.
HODGDON, C. W.....	Hoquiam.
HOGAN, JOHN C.....	Aberdeen.
HORAN, J. E.....	Everett.
HOWARD, CLINTON W.....	Bellingham.
HOWE, JAMES B.....	Seattle.
HOYT, JOHN P.....	Seattle.
HUBBARD, H. FRANK.....	Wenatchee.
HUDSON, ROBERT G.....	Tacoma.
HUGHES, E. C.....	Seattle.
HULBERT, ROBERT A.....	Seattle.
HULL, H. L.....	North Yakima.
HUMPHRIES, JOHN E.....	Seattle.
HUNEKE, WILLIAM A.....	Spokane.
HURSPHOL, JOHN C.....	Walla Walla.
HUSTED, EARL W.....	Everett.
HUTCHINSON, RICHARD G.....	Seattle.
HUTSON, CHARLES T.....	Seattle.
HYLAND, IVAN L.....	Seattle.
IRWIN, MASON .....	Montesano.
JOHNSON, HARVEY L.....	Tacoma.
JONES, RICHARD SAXE.....	Seattle.
JUREY, JOHN S.....	Seattle.
KANE, JAMES H.....	Seattle.
KEENE, WALTER A.....	Seattle.
KEITH, WILLIAM C.....	Seattle.
KELLEHER, DANIEL .....	Seattle.
KELLEHER, JOHN .....	Seattle.
KELLEY, FRANK H.....	Tacoma.
KELLOGG, JOHN A.....	Bellingham.



## WASHINGTON.—Continued.

KENNEDY, J. Y.....	Everett.
KERR, J. A.....	Seattle.
KING, CHARLES D.....	Olympia.
KNICKERBOCKER, IRVING B.....	Auburn.
KORTE, GEORGE W.....	Seattle.
LANE, WARREN D.....	Seattle.
LEE, ARTHUR B.....	Spokane.
LEVY, AUBREY .....	Seattle.
LOVEDAY, WALTER .....	Tacoma.
LUDDEN, WILLIAM H.....	Spokane.
LUEDERS, HENRY W.....	Tacoma.
LUND, CHARLES P.....	Spokane.
LUND, R. H.....	Tacoma.
LUNG, HENRY W.....	Seattle.
MACKINTOSH, KENNETH .....	Seattle.
MAIN, JOHN F.....	Seattle.
MEAD, ALBERT E.....	Olympia.
MENDENHALL, MARK F.....	Spokane.
MERRITT, SEABURY .....	Spokane.
MILLER, CHARLES E.....	South Bend.
MILLION, E. C.....	Seattle.
MILLS, EDWARD C.....	Walla Walla.
MITCHELL, JOHN R.....	Olympia.
MOORE, BEN L.....	Seattle.
MOORE, H. D.....	Seattle.
MOORE, WM. HICKMAN.....	Seattle.
MORGAN, FRANK L.....	Hoquiam.
MORRISON, SAMUEL .....	Seattle.
MOUNT, WALLACE .....	Spokane.
MUNDAY, CHARLES F.....	Seattle.
MUNN, GEORGE LADD.....	Seattle.
MURPHY, JAMES B.....	Seattle.
MURRAY, CHARLES A.....	Tacoma.
MYERS, H. A. P.....	Seattle.
MCCAFFERTY, JAMES J.....	Seattle.
MCCLURE, HENRY F.....	Seattle.
MCCLURE, WALTER A.....	Seattle.
MCCLURE, WILLIAM E.....	Seattle.
MCCORD, E. S.....	Seattle.
MCCROSKERY, R. L.....	Colfax.
MCDANIELS, JOHN H.....	Ellensburg.
McKINNEY, T. A.....	Walla Walla.
McMICKEN, MAURICE .....	Seattle.
McMILLAN, RAYMOND J.....	Tacoma.

## WASHINGTON.—Continued.

MCMURCHIE, R. ....	Everett.
NAYLOR, JAMES H. ....	Everett.
NEAL, FRED. W. ....	Bellingham.
NEWMAN, THOMAS G. ....	Bellingham.
NICHOLS, RALPH D. ....	Seattle.
NORRIS, H. F. ....	Tacoma.
NUZUM, RICHARD W. ....	Spokane.
OGDEN, RAYMOND D. ....	Seattle.
OLDHAM, ROBERT P. ....	Seattle.
O'NEALL, GROSVENOR P. ....	Spokane.
OWINGS, FRANK C. ....	Olympia.
PALMER, E. B. ....	Seattle.
PARKER, EMMETT N. ....	Tacoma.
PATTERSON, CHARLES E. ....	Seattle.
PAUL, TIMOTHY A. ....	Walla Walla.
PEDIGO, JOHN H. ....	Walla Walla.
PERINGER, VIRGIL ....	Bellingham.
PETERS, W. A. ....	Seattle.
PETERSON, FRED H. ....	Seattle.
PHELPS, HARRY E. ....	Tacoma.
PHILBRICK, E. A. ....	Hoquiam.
PILES, SAMUEL H. ....	Seattle.
POINDEXTER, MILES ....	Spokane.
PORTER, NATHAN SMITH. ....	Olympia.
POST, FRANK T. ....	Spokane.
POWELL, JOHN H. ....	Seattle.
PRESBY, W. B. ....	Goldendale.
PRESTON, HAROLD ....	Seattle.
RAMSEY, H. J. ....	Seattle.
REYNOLDS, ALLEN H. ....	Walla Walla.
REYNOLDS, C. A. ....	Seattle.
RINEHART, WM. V., JR. ....	Seattle.
ROBB, BAMFORD A. ....	Seattle.
ROBERTS, JOHN W. ....	Seattle.
ROBERTSON, FRED C. ....	Spokane.
ROCHESTER, G. A. C. ....	Seattle.
ROMAINE, J. W. ....	Bellingham.
RONALD, J. T. ....	Seattle.
ROOT, MILO A. ....	Seattle.
ROSE, J. W. ....	Bellingham.
RUMMENS, GEORGE H. ....	Seattle.
RUPP, OTTO B. ....	Walla Walla.
SAUNDERS, ROBERT C. ....	Seattle.
SAVERY, C. D. ....	Tacoma.

## WASHINGTON.—Continued.

SCHAFFNER, WALTER .....	Seattle.
SEABURY, HOWARD .....	Sedro-Woolley.
SHACKLEFORD, JOHN A.....	Tacoma.
SHAFFER, C. WILL.....	Olympia.
SHANK, CORWIN S.....	Seattle.
SHARPSTEIN, JOHN L.....	Walla Walla.
SHEPARD, CHARLES E.....	Seattle.
SHIPPEN, JOSEPH .....	Seattle.
SMITH, CHARLES WESLEY.....	Seattle.
SMITH, WINFIELD R.....	Seattle.
SNELL, MARSHALL K.....	Tacoma.
SNODDY, JAMES A.....	Seattle.
SNOOK, HERBERT E.....	Seattle.
SNYDER, EDGAR C.....	Seattle.
SPOONER, CHARLES P.....	Seattle.
STEDMAN, LIVINGSTON B.....	Seattle.
STEPHENS, H. M.....	Spokane.
STERNE, SAMUEL R.....	Spokane.
STEVENSON, L. C.....	Tacoma.
STRATTON, W. B.....	Seattle.
TAIT, HUGH A.....	Seattle.
TALLMAN, BOYD J.....	Seattle.
TANNER, W. V.....	Seattle.
TENNANT, ALBERT J.....	Seattle.
TEBHUNE, R. S.....	Seattle.
THORGRIMSON, O. B.....	Seattle.
TODD, ELMER E.....	Seattle.
TOTTEN, WM. D.....	Seattle.
TREFETHEN, D. B.....	Seattle.
TREMPER, H. S.....	Seattle.
TRIMBLE, WILLIAM P.....	Seattle.
TROY, P. M.....	Olympia.
TUCKER, WILMON .....	Seattle.
TURNER, GEORGE .....	Spokane.
TURNER, L. T.....	Seattle.
VOORHEES, C. S.....	Spokane.
VOORHEES, REESE H.....	Spokane.
WAKEFIELD, WILLIAM J. C.....	Spokane.
WHITE, H. M.....	Bellingham.
WHITLOCK, J. C.....	Seattle.
WHITSON, EDWARD .....	Spokane.
WILHELM, HONOR L.....	Seattle.
WILKINSON, ADOLPHUS C.....	North Yakima.
WILLIAMS, JAMES A.....	Spokane.
WILLIAMS, JESSE A.....	Seattle.

## WASHINGTON.—Continued.

WILLIAMS, SOLON T.....	Seattle.
WILSON, HARRY E.....	Seattle.
WILSON, JOHN M.....	Olympia.
WINDERS, C. H.....	Seattle.
WINSTON, ALEX. ....	Spokane.
WORDEN, WARREN A.....	Tacoma.
WRIGHT, GEORGE E.....	Seattle.
WYNN, WM. H., JR.....	Seattle.

## WEST VIRGINIA.

AMBLER, B. MASON.....	Parkersburg.
ARCHER, V. B.....	Parkersburg.
BRANNON, W. W.....	Weston.
BRATTON, WILLIAM A.....	Marlinton.
COOPER, JOHN T.....	Parkersburg.
DAVIS, DABNEY C. T., JR.....	Charleston.
GOODYKOONTZ, WELLS .....	Williamson.
HIGGINBOTHAM, C. C.....	Buckhannon.
HOGG, CHARLES E.....	Morgantown.
HUBBARD, WILLIAM P.....	Wheeling.
MERRICK, CHARLES D.....	Parkersburg.
MILLER, WILLIAM N.....	Parkersburg.
MOATS, FRANCIS P.....	Parkersburg.
MOLLOHAN, WESLEY .....	Charleston.
PRICE, GEORGE E.....	Charleston.
SMITH, HARVEY F.....	Clarksburg.
TURNER, SMITH D.....	Parkersburg.
VANDERVORT, JAMES W.....	Parkersburg.
VAN WINKLE, W. W.....	Parkersburg.
WHITE, ROBERT .....	Wheeling.
WILLIS, M. H.....	New Martinsville
WOLFE, WILLIAM HENRY, JR.....	Parkersburg.

## WISCONSIN.

BARBER, CHARLES .....	Oshkosh.
BARTLETT, WILLIAM PITT.....	Eau Claire.
BASHFORD, R. M.....	Madison.
BROWN, NEAL .....	Wausau.
CARY, ALFRED L.....	Milwaukee.
FAIRCHILD, H. O.....	Green Bay.
FETHERS, OGDEN H.....	Janesville.
FLANDERS, JAMES G.....	Milwaukee.
FRAWLEY, WILLIAM H.....	Eau Claire.
FROST, EDWARD W.....	Milwaukee.
GILMORE, EUGENE ALLEN.....	Madison.

## WISCONSIN.—Continued.

GILSON, NORMAN S.....	Fond du Lac.
GRACE, H. H.....	Superior.
GREENE, GEORGE G.....	Green Bay.
HURLEY, MICHAEL A.....	Wausau.
JEFFRIS, MALCOLM G.....	Janesville.
JENKINS, JAMES G.....	Milwaukee.
JENKINS, JOHN J.....	Chippewa Falls.
JONES, BURR W.....	Madison.
KERWIN, J. C.....	Neenah.
LUDWIG, JOHN C.....	Milwaukee.
LUECK, MARTIN L.....	Juneau.
MALONE, JAMES E.....	Juneau.
MILLER, BENJAMIN K.....	Milwaukee.
MILLER, GEORGE P.....	Milwaukee.
MURPHY, JOHN A.....	Superior.
NASH, LYMAN J.....	Manitowoc.
OGDEN, LEWIS M.....	Milwaukee.
ORTON, PHILO A.....	Darlington.
PERELES, JAMES M.....	Milwaukee.
PERELES, THOMAS JEFFERSON.....	Milwaukee.
QUARLES, JOSEPH V. (Washington, D. C.)...	Milwaukee.
RICHARDS, HARRY S.....	Madison.
RIORDAN, DANIEL E.....	Ashland.
SANBORN, A. L.....	Madison.
SANBORN, JOHN BELL.....	Madison.
SEAMAN, WILLIAM H.....	Sheboygan.
STAFFORD, W. H.....	Chippewa Falls.
STARK, JOSHUA .....	Milwaukee.
TURNER, W. J.....	Milwaukee.
VAN DYKE, GEORGE D.....	Milwaukee.
VAN DYKE, WILLIAM D.....	Milwaukee.
WIGMAN, J. H. M.....	Green Bay.
WINKLER, FREDERICK C.....	Milwaukee.

## WYOMING.

BROWN, MELVILLE C.....	Laramie.
BURDICK, CHARLES W.....	Cheyenne.
BURKE, TIMOTHY F.....	Cheyenne.
CLARK, GIBSON .....	Cheyenne.
CORTHELL, NELLIS E.....	Laramie.
LACEY, JOHN W.....	Cheyenne.
MULLEN, WILLIAM E.....	Cheyenne.
POTTER, CHARLES N.....	Cheyenne.
VAN DEVANTER, WILLIS .....	Cheyenne.

## RECAPITULATION

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State.	No. of Members.	State.	No. of Members.
Alabama .....	34	Montana .....	27
Alaska Territory .....	4	Nebraska .....	68
Arizona Territory .....	8	Nevada .....	3
Arkansas .....	29	New Hampshire .....	18
California .....	47	New Jersey .....	54
Colorado .....	113	New Mexico Territory.....	4
Connecticut .....	67	New York .....	490
Delaware .....	9	North Carolina .....	21
District of Columbia.....	82	North Dakota .....	21
Florida .....	43	Ohio .....	90
Georgia .....	42	Oklahoma .....	28
Hawaii Territory .....	4	Oregon .....	48
Idaho .....	31	Pennsylvania .....	206
Illinois .....	259	Rhode Island .....	39
Indiana .....	77	South Carolina .....	17
Iowa .....	67	South Dakota .....	16
Kansas .....	37	Tennessee .....	54
Kentucky .....	62	Texas .....	26
Louisiana .....	119	Utah .....	8
Maine .....	161	Vermont .....	6
Maryland .....	68	Virginia .....	53
Massachusetts .....	161	Washington .....	309
Michigan .....	120	West Virginia .....	22
Minnesota .....	216	Wisconsin .....	44
Mississippi .....	38	Wyoming .....	9
Missouri .....	137	Total .....	3716

# APPENDIX





# ADDRESS OF THE PRESIDENT

FREDERICK W. LEHMANN  
OF ST. LOUIS, MISSOURI.

*Gentlemen of the American Bar Association:*

Fourteen years have passed since the American Bar Association met in this city, but that time has not been sufficient to efface from the memory of those present the impression of the cordial hospitality of its people, and coming here a second time they enjoy the twofold pleasure of forming new associations and reviving the old. During the intervening years we have traveled far and wide, like Ulysses, who,

“Wandering from clime to clime observant strayed,  
Their manners noted and their states surveyed.”

We have held our sessions in the Empire State, and in the state first to be formed out of that territory, which, from the beginning, by the accord of all our people, North and South, was dedicated to institutions of freedom and equality, in the heart of the Allegheny Mountains and of the Rockies, upon the shores of the Atlantic and the Pacific, and upon the banks of the great river that rolls between, and, having compassed the land in all its breadth, we come again to this city, so closely related to our history of empire, the scene of so much of its romance, and where was made, by the greatest leader of our native races, a last vain effort against that course of events which brought this vast country under the dominion of one language and one law.

It is my duty under the Constitution to make, in another fashion, an excursion more extensive than that which the Association has made during these years. To review the legislation of the past year means to bring under observation the enactments of Congress and of forty-four states and territories. The odd numbered years are the active ones in lawmaking with us. Seven states and territories provide for annual sessions of the Legisla-

ture, forty-three for biennial sessions and one for quadrennial. Of the biennial sessions thirty-seven have been held since our last meeting.

Reviewing the memoirs of Lord Burleigh by Dr. Nares, Macaulay says: "We cannot sum up the merits of the stupendous mass of paper which lies before us better than by saying that it consists of about two thousand closely printed quarto pages, that it occupies fifteen hundred inches of cubic measure, and that it weighs sixty pounds avoirdupois." There is a disposition on the part of critics to consider modern legislation in the same way. They number and measure the volumes, count the pages and enactments and let the magnitude of the total speak the condemnation of every part.

But this is manifestly unfair. Each state legislates only for itself and a proper quantitative analysis, therefore, requires that we deal with a single typical volume. Even this may seem large as the contribution of two years, but eliminate the appropriation bills, the administrative, local and temporary measures, and indeed all those laws, which, as Charles Lamb would say, are no laws, and the bulk remaining in any case is not great.

The trend of public thought and action in the different states is very much along the same lines, and the same subjects recur in the legislation. The mode of treatment, however, often shows many differences, so that a comprehensive comparison of what has been done would transcend not only the limits of your patience, but of your endurance as well.

Laws in the sense of positive regulations by the public necessarily increase with the increasing complexity of the social structure, and with the wider extension of civil and political rights. Where the interrelations of men are few and simple, the laws will be so, and where the power to make the laws is confined to a minority, the welfare of the many will suffer as much from neglect as from oppression. All government is paternalism. It is welcomed when it manifests a care and extends a protection of which we feel the need and resented when doing this for others it curbs those powers which through free use we have come to look upon as rights.

The generation of men who formulated the Declaration of Independence and framed the Constitution of the United States are held to be individualists of a pronounced, if not an extreme, type. We accept as being the cardinal principle of their politics, that the government is best which governs least, and we assume as the merit of their legislation that it was always at the minimum of quantity. The protest they made, however, was not against government as such, but against a distant and alien government, which did not derive its powers from the consent of the governed, and especially one which exercised the power of taxation over a people to whom it did not permit representation.

If we compare the statutes of the Colony of Virginia at the outbreak of the Revolution with those of the state at the present day, we find the former much less in volume, but the comparison is worthless unless we consider the difference in the condition of the times. The colony was sparsely settled and its people engaged almost entirely in agricultural pursuits. There were no cities and no large towns. There was in consequence small need for municipal legislation. The plantations along the tidewater and the farms among the foothills were tilled largely by slaves and bondservants and so the labor legislation was simple, and in the modern view, onesided. The barons of the Rappahannock and the Potomac and the gentlemen farmers of the Piedmont sought each to make his establishment as nearly as possible sufficient unto itself. They had some commerce with the mother country, but their relations with each other were chiefly social. But they used the law as much as is now done to promote their interests, and they had as quick a sense of wrong to themselves as have their descendants and were as swift to redress what they felt to be so by legislative enactments.

They passed acts for the encouragement of arts and manufactures and paid bounties to stimulate various productions of the soil. They enacted such laws as they might and deemed needful for the regulation of their foreign commerce. Having occasion at times to borrow money, they protected themselves against the usurer by limitations upon the rates of interest and brokerage. They had laws against the adulteration of such food and drink

as they bought for their own use and inspection laws to maintain the repute upon the market of what they produced for sale. That the vanity of grief might not indulge itself to the point of impoverishment, they authorized the county courts to regulate funeral expenses. A substantial property qualification was required as a condition of suffrage, and only freeholders were eligible to the House of Burgesses. This restriction of political power accounts for the absence of many things from their legislation. We find but little in it relative to schools and eleemosynary institutions, subjects which occupy much space in the present day. They were most active in the field now most strenuously contested. That a business or property when it becomes affected with a public use or interest ceases to be private and is subject to public control, was a prime article of their faith. The tobacco which was the staple of their fields was also the staple of their lawmaking. They regulated how it should be planted and harvested and how it should be prepared for market. Their warehouse regulation went far beyond the present in its assertion of public right. The county court had power to declare a place to be a public landing, and having done this, to require the proprietor to build a storehouse thereon, and the storehouse so built, was by the law, regardless of the volition of the owner, devoted to public use and subjected to public regulation as to the manner of that use and the charges therefor. They sometimes went to law and that they might be well served in the courts, they imposed conditions as to character and learning upon admission to the Bar, and to secure themselves against extortionate charges, they fixed a schedule of fees, more than which the lawyer was forbidden to accept, before the full rendition of services by him, and more than which he could not recover in case of suit.

The planters were not all of them equipped to grind their own grain and some must have recourse to the custom mill and it was, therefore, ordained that "all millers shall well and sufficiently grind the grain brought to their mills, and in due turn as the same shall be brought, and may take for the toll, one eighth part, and no more, of which the remaining part shall be ground into meal; and one sixteenth part, and no more, of that, the remainder

of which shall be ground into hominy or malt." In the statute books which stood upon the shelves of Patrick Henry and Thomas Jefferson, there were no laws governing private corporations, banks or insurance companies, for these institutions had no existence in Virginia. Neither were there any laws fixing railroad rates or regulating railroad operation. The common carrier was unknown. The planter traveled in his own conveyance and to keep to the right was the only law of the road he needed to know. But the country was much intersected with streams and to cross these the people were dependent upon ferries, and they prescribed the number of boats and hands to be kept at each and a maximum charge for their service. They might tarry for the night at some mansion on their way, and to avoid question as to the terms upon which they enjoyed its food and shelter, it was enacted that entertainment at a private house, in the absence of an express agreement, should be deemed to be a matter of free hospitality. Constrained sometimes to stop at inns, they empowered and required the justices of the county court "as often as they shall see cause" and at least twice a year, to "set the rates and prices to be paid at all ordinaries within their respective counties for liquors, diet, lodging, provender, stableage, fodder and pasturage," and mine host must set up a copy of these rates, attested by the clerk of the county court, "in some public entertaining room in his tavern, not more than six feet above the floor." They provided further for a forfeiture of his license if he should in his house, on the Lord's day or on any other day set apart by public authority for religious worship "suffer any person to tipple or drink any more than is necessary."

It is difficult to conceive of a subject of general interest which they did not bring within the public control, and if in after years there was an extension of the law into new fields, it was not due to any perversion of the early principles, but to the changed conditions of life, and to the fuller growth and more perfect development of those principles. It would be as disparaging to the past, as to the present, to say that it planted the seeds of degeneracy and decay, and it is of the highest credit to both, that there is now within the law more freedom for more people, and that

what peculiarly distinguishes the legislation of today is its greater concern for the needs of the unfortunate and its hearkening more to the desires of the humble. To turn back is to gain nothing for liberty and to lose much for humanity.

The complaint of overlegislation is an ancient one, first voiced in the cry, "Am I my brother's keeper?" and it has been repeated in every generation since by those who saw their advantage in

"the simple plan  
That they shall take, who have the power  
And they shall keep who can."

But if justice and humanity, rather than force and cunning, are to order the rights of men, there must be laws. These will not express the whole duty of man to his fellow man, and much must be left to the sense of individual obligation, but the spirit of brotherhood is a broadening one in its influence and expands the sphere of public concern, as much as that of personal sympathy.

We find in our legislation some enactments that are crude, superfluous and misdirected, and some that may wear the mask of false pretense, but in the main it is well intended and measurably efficient of its purpose. The striving manifested is for a purer public life, a more perfect administration of justice, a kindlier dealing with the unfortunate and the erring, a more general education of the people, the protection of every man in the earnings of his labor, the betterment of material conditions, the conservation of health, the promotion of morals and more equal opportunities for all in the struggle of life. In an effort of this kind we may expect some mistakes and can well afford to bear with them.

A want of confidence in our representative institutions is responsible for many of the faults in their working. Most of the states originally had legislative sessions every year, but to check legislative activity they changed to the biennial plan until now only six have annual sessions. Of the thirty-nine states in which the General Assembly meets biennially, twenty-eight restrict the session to from forty to ninety days by express constitutional limitations or by provisions as to compensation of members having that effect. The mere business of the state has increased to

such extent as to require for its proper transaction most of the time allotted. The result is to prevent the due consideration of measures, but not their enactment. Each member is insistent upon his own favorite bill and to secure its passage, consents sometimes inconsiderately to the passage of others. So laws are made in haste, to be repealed at leisure. Pascal excuses the length of one of his Provincial Letters on the ground that he had not time to make it shorter. A glance at the something more than "five feet" of legislative volumes accumulated during the year indicates a like fault with a like excuse. Some of the largest books are the products of the shortest sessions and conspicuous among the states regarded as most conservative are some which have unlimited annual sessions.

Until recently no provision was made by law in any state for assisting legislators in their work. The member came impressed with the existence of some evil for which he would provide a remedy without the knowledge often of what had been done respecting it elsewhere, or perhaps even of what was the existing law of his own state. The necessity for some educational work by the state in behalf of its own lawmaking was first perceived by New York, which in 1890 provided for publishing bulletins of the laws of other states, and this was followed in 1901 by Wisconsin in the establishment of a Legislative Reference Department upon a more elaborate plan. Montana, North Dakota and Pennsylvania this year followed the example of Wisconsin and now the system is in use in more than a dozen of the states. North Dakota attempted to go a step farther by the appointment of a bureau whose duty it would be to "couch in clear, concise and terse English and in legal form" all bills and resolutions submitted to it by any member of the General Assembly, it being further provided that no bill or resolution not drawn by this bureau, or approved by it as to form, should be printed until after it had been reported on favorably. The bill providing for this was vetoed by the governor.

While the public has been late and slow in coming to the assistance of its representatives they have not been left entirely without aid. Side by side with the House and Senate there grew up a

third house, the lobby, not provided by the Constitution and yet practically a component part of every General Assembly. Its members dealt with lawmakers as being upon the same plane as lawbreakers, for they were organized, one section of them at least as the public was informed by the chief, upon the model of the secret service of the United States. The always vicious and often criminal methods of the lobby involved in their discredit all efforts to influence legislation however open and honorable the methods employed. The business of the lobby was sometimes to obtain a grant, but usually to see that nothing was done. Its members led in the hue and cry against overlegislation as disturbing to business and yet that their own business might not suffer, they frequently instigated the very measures they reprehended. They made no attempt to mould public opinion, but only to influence the action of public representatives. The member of weak moral fiber was debased and degraded by association with them and the honest man was often constrained to approve whatever they opposed to keep himself above suspicion of their influence. At the most, they could only hinder and delay and what they prevented at one session was often enacted at another in more radical form.

Lobbying contracts have always been held to be illegal, but this did not restrain the practice. It was denounced in constitutions, in statutes and in legislative rules and flourished in spite of them all. There was no definition or regulation of what might properly be done, and the lobbyist, unless detected in flagrant crime, moved upon the same footing with men who represented legitimate interests in a legitimate way. Wisconsin ten years ago passed an act to regulate the practice of legislative counsel, requiring registration of counsel and publicity as to his operations and the interests represented by him. Similar laws have been passed from time to time in other states and this year marks the passage of such laws in Kansas and New Hampshire. These laws all recognize the right of any interest affected by proposed legislation to be heard before committees or at the bar of the House, and honorable men under such a system may render honorable service before a legislative body without incurring reproach. The members of



our association are peculiarly interested in this reform, for the lobbyist nearly always professed himself to be a lawyer, although his legal learning was often limited to the text and glosses of the constitutional provision against self-incrimination.

Nearly all of the states added to their laws governing the conduct of primaries and general elections, with the purpose to protect the integrity of the ballot and to secure a greater measure of intelligence and independence in the exercise of the suffrage. The selection of judges has been, and in most of our states still is, accomplished through party machinery, but there is a growing sense that the judiciary should, as far as possible, be divorced from partisan politics. Kansas provides that so far as state offices are concerned, men holding judicial positions may be candidates only for judicial positions. In Montana all nominations for judgeships must be by petition. In North Dakota, alike at the primaries and at the general elections, there is to be a separate judiciary ballot and on this the names of candidates will appear without party designation. Nebraska went to the extreme of not only prohibiting party nominations, but also the endorsement, recommendation, censure or criticism of candidates for judicial office by any party convention or at any primary. This act has been held to be unconstitutional by the Supreme Court of the state as denying the right of criticism in matters of public interest. There are currents and counter currents in our public life, and the State of Washington has reverted from non-partisan primary nominations to judicial nominations by party conventions. This, however, is said to be due to the peculiar character of the primary law which was believed to defeat in practice the very purpose it was framed to serve.

Five states adopted resolutions in favor of an amendment to the federal Constitution making United States Senators elective by popular vote. Four states provide for Senatorial nominations at party primaries. Regardless of amendment to the Constitution, Senators in some of the states are now elected by popular vote, for the legislature simply registers the decree rendered at the polls, as has always been done by our electoral colleges.

Colorado has blazed a new way for itself in the conduct of

politics. There can be no contributions for election purposes, except by candidates and the state itself. Ten days after nominations are made by any political party, the state treasurer is to pay to the state chairman of the party a sum equal to twenty-five cents for each vote cast by the party at the previous general election, one-half of this to be turned over on a like basis to the county chairmen for use in their respective counties, the other half to be used by the state committee for general campaign purposes. Candidates may contribute for general purposes or for their own campaign expenses 40 per cent of the first year's salary of the office to which they aspire. No provision is made for new organizations or independent movements, except the negative one prohibiting contributions to or for any candidate, except by the candidate himself. This may not be wearing the livery of the state to serve the party in, but it looks very much like it.

To prevent the evil influence of the free pass in public affairs, New Jersey requires her railroads to carry her officials free during their terms of office. The officials retain all the benefits of free passes, but are relieved from the obligation of gratitude. Idaho and New Hampshire with more robust virtue dispense with both.

Americans have been peculiarly sensitive to criticism by foreigners. They have invariably resented unfavorable opinions of themselves or their institutions in whatever spirit expressed as Mrs. Trollope and Charles Dickens both discovered. There is to this one notable exception and that is as to the government of our large cities. Mr. Bryce, in his *American Commonwealth*, says, "There is no denying that the government of cities is the one conspicuous failure of the United States." This so far from being resented has been repeated with unctious approval by our own writers a thousand times. For years it was in terms as of acquiescence in the inevitable, but in recent years it is announced as in recognition of the necessity for radical improvement. In every section of the country, in large cities and in small, and in towns and villages as well, there is a movement for the revision of municipal charters. The spirit of civic reform is universal, but its manifestations are various. We have the Des Moines plan

upon the one hand, with its close commission of five members, in whom all the city's powers are vested, and upon the other hand, the Newport plan, which harks back as closely as possible to the town meeting with its House of Representatives of one hundred and ninety-five members. The general tendency, however, is to a small number of elective offices, that there may be less opportunity for intrigue and combination in securing nominations, and that the electors may know something of those for whom they vote. It is coming to be seen that the elective principle is weakened by diffusion and that when many officers are to be elected few, if any, are really chosen by the people. Also that too many checks and balances are hindrances to efficiency of action and are not necessarily guarantees of integrity. The round robin of irresponsibility which existed during the Tweed regime and was so well illustrated in the cartoon of Thomas Nast, is to be abolished. In nearly every case, wherever a new system has been adopted, whatever it may be, it is reported as an improvement over the old, due in large measure to the fact that the same public spirit which brought about the change has thus far attended the change in its operation and so long as this is true, it will be well, but no system of government will avail without perpetual vigilance, for this is the price of integrity as well as liberty.

In many instances party nominations are prohibited, and all candidacies are to be by petition of voters and to be passed upon at a general primary, the nominees of the primary to be placed upon a ticket for the general election without party designation. Nominations for municipal offices made by parties organized on lines of national policy are certainly illogical, and yet party spirit is not to be utterly condemned, for there is in it something of public spirit. If it were wholly bad our national government must be a failure. It is easy to conceive of something better than our Republican and Democratic organizations for purely municipal purposes, and it is easy also to conceive of something worse. When they are debarred what shall take their place? In the selection of judges, the profession of the law is always concerned and as its members represent every element and every interest in the

community, they may be depended upon for a constant stimulus to the public zeal. But how will it be as to municipal affairs?

Under present conditions the vote cast at a city election is usually a light one. Will it be larger when parties are eliminated? Some persons we know will be deeply concerned and ready at all times to sponsor the work of the city government. Public service companies, franchise seekers, contractors and placemen, these will readily form alliances to do what others neglect and who will there be to oppose them? Will the civic leagues which are formed to promote charter revision continue long in the field after this work is done? Past history is not altogether encouraging. Movements for municipal reform while accomplishing great specific good have usually been short lived and have rarely survived their own success, while the forces overthrown by them have risen from defeat as if from it they had derived new vigor. This is the serious side of the city problem which no mere law or charter will solve.

Cities cannot be governed altogether like private corporations. The purpose is an entirely different one. It is not pecuniary profit, but the public good. And the principle of control is not the same. Citizens may be likened to shareholders, but it is to be remembered that in private corporations, the power resides with the greatest number of shares, even though these be held in one hand, while in the case of cities each shareholder has the same measure of power. The management of private corporations has usually been honest and largely because the personal interest of those in charge has been identical with the interest of the company. Where this has not been so, where the interests have been diverse, the management of private companies has disclosed sometimes a disregard of duty as flagrant as anything in the history of our great cities. Good business methods are indispensable, and here we may learn much from the companies, but beyond these, there must be a public spirit which will maintain an active and constant zeal for the municipal welfare, bring the best men always into the city's service and support them always in their well doing, for the most beneficent political institution human ingenuity can devise is a good man in the right place.

Interest in public education continues unabated and the scope of the state's activities is being continually enlarged. Liberal appropriations are made for all the public institutions of learning. Tennessee has devoted 25 per cent of its state revenue to school purposes. California provides for the separate education of children of Indian and Mongolian descent. The course of instruction in the common schools is extended and in many places includes manual training and domestic economy. Technical schools, farmers' institutes and agricultural experiment stations are established. Biological and bacteriological research is carried on by public authority. Public libraries are encouraged in cities and towns and state commissions maintain and conduct circulating libraries in the rural districts. Pennsylvania authorized the maintenance out of public funds of law libraries in the several counties. However lawyers may differ as to other pursuits, they are quite agreed that their own calling is affected with a public interest.

Western states restrict the hours of daily labor to eight in mines, establishments for the reduction of ore and plaster and cement works. New York restricts the number of hours per day and the number of consecutive hours of service, as well as the length of intermission between, in work where caissons or other apparatus requiring the use of compressed air are necessary. Texas denies the right of a man to serve more than sixteen hours consecutively out of twenty-four in the operation of trains. A number of states limit the hours of woman's labor in factories, laundries and other places to fifty-four in any one week. These enactments will many of them be contested as invasions of the constitutional right of men and women to work at whatever they please and as long as they please; not, however, by those whose rights are thus invaded.

Child labor is governed as to age, number of hours and the nature of the occupation in which children may be engaged. The Pennsylvania statute requires that the minor shall be able to read and write English intelligently. The different laws are designed to secure to the children the opportunities of at least a primary education and to prevent their employment altogether under

unsafe or unsanitary conditions. Various regulations look to the reasonable comfort and security of men in different pursuits. The Boston and Maine Company is by the statute of Massachusetts authorized to pension employees. Texas, Michigan and Iowa adopt the rule of comparative negligence in railroad service, and in some states the defense of contributory negligence is excluded where statutory requirements as to machinery have not been complied with.

Minnesota is considering an entire change of base in the matter of employer's liability, from that of negligence or fault of the employer to that of risk of the industry or industrial insurance. It is especially noteworthy that the change is not to be rashly undertaken, but upon the recommendation of the governor, the Legislature has created a commission to investigate the operation of "laws passed by other states and foreign countries" and to report to the next session the results of their investigation, with a draft of bills "providing a plan for speedy remedy for employees for injuries received in the course of their employment which will be fair to the employe and the employers and just to the State."

The public health and safety receive attention in numerous enactments enlarging the powers of boards of health and greatly extending the activities of the state in the field of preventive medicine, and especially as to tuberculosis. Rigorous measures for the inspection of public places and for their enforced sanitation recur again and again. The innkeeper, almost the first object of public attention, but for a long time neglected, is coming again into his ancient inheritance of supervision by public authority. He must provide means of escape in case of fire, and must keep his inn in clean and sanitary condition. Some of the regulations descend to minute particulars. The syndicated towel is taken from its roller and each guest is to be provided with his own. Kansas requires for each bed "clean sheets of sufficient width and length to reach the entire width and length of the bed, and with the upper sheet to be of sufficient length to fold back over the bedding at the upper end or head of the bed," but makes no requirement as to tucking in at the foot. Other states, patterning after Procrustes, who adapted his guests to his bed, fix an in-

variable standard of size, whatever the stature of the man who is to repose between the sheets. But the standard is not everywhere the same. The State of Washington prescribes but ninety inches, Missouri makes it ninety and nine, while Oregon adds nine to this ninety and nine and requires full nine feet for the draperies of her tavern couches. These details seem petty and they are due to the fact that we allow little discretion to our administrative officials.

Precautions are taken against the spread of disease among domestic animals. The busy bee is protected against infection. Forests are guarded against fire, water, depredation and other ills to which they are heir. There is no reluctance to exert the power of the state either by way of prevention or promotion in matters affecting the general welfare, where individual effort would be inadequate to the purpose.

The cigarette has been placed under the ban in varying degrees from the forbidding of sales to minors to the inhibition of possession by anybody. State-wide prohibition of the liquor traffic is accomplished in Tennessee by preventing the sale within four miles of a school house. Local option, the exclusion of manufacturers and wholesale dealers from an interest in saloons, the limitation of saloons in proportion to population, provisions against treating and against drinking upon trains and the banishment of the free lunch are features of the legislation in other states. Michigan, however, makes an exception in the matter of the lunch, preserving in express terms the time-honored association of beer and pretzels. Wisconsin, loyal to the beverage which made her chief city famous, prescribes a standard of purity for beer.

More and more the public interest in the various callings of life is being recognized, and laws of the present year bring the plumber, the barber, the embalmer, the professional nurse and the optometrist under public regulation.

Interest in the uniformity of legislation is growing. Eight more states have enacted into law the warehouse receipts bill recommended by the association and six states have provided by



law for the appointment of commissioners on the uniformity of legislation.

Nebraska, Texas and Kansas have provided for the guaranty of bank deposits. Nebraska and Texas make it compulsory upon all state institutions, while the system in Kansas is a voluntary one. Banks are free to enter or not, as they see proper, and, having entered, they may withdraw at their pleasure.

Kansas has adopted an entire new code of practice designed to expedite and to simplify legal procedure. It is subject to the criticism that it has fixed much by legislation which would be better left to rules of court. It has undertaken, however, to subordinate form to substance and has followed the recommendation of this association by providing that on appeal no case shall be reversed unless the errors complained of appear affirmatively to have prejudiced the rights of the appellant. Wisconsin has adopted a like provision.

Michigan provided in her old Constitution that "the Supreme Court shall by general rules establish, modify and amend the practice in such court," and in its new Constitution, which went into effect on the first of January, it extended this provision to "all other courts of record."

Changes in the criminal law manifest a humane spirit. The reformatory purpose is recognized in juvenile courts, the parole system and the indeterminate sentence. Colorado has here again struck out upon a new path in an act for the "redemption of offenders." This provides a probation division of the chancery court and empowers the district attorney to file a petition instead of a criminal information, with the right reserved to the defendant to have the petition dismissed and the case heard on an information in the criminal division of the court. If the case is heard on the petition, the defendant is subject to examination and may be required to testify against himself, but if found guilty he may not be committed to prison, but will be required to give bond or personal pledge for his good conduct in the future and to submit to such terms of probation as the court may impose. The terms which the court is authorized to impose relate all to personal con-



duct, and with which the defendant can comply if he will. The period of probation may not extend beyond two years. The act applies without reference to age, but only to "persons whose acts or offenses in a criminal proceeding would constitute a misdemeanor."

At the last regular session of Congress a new and complete penal code was adopted. In the case of nearly every offense, a maximum of punishment was prescribed, but no minimum, thus leaving to the judge the utmost latitude on the side of mercy in the imposition of the sentence. Many of the offenses under federal law do not necessarily involve a grave degree of moral turpitude and the minimum punishment fixed was felt often to be out of proportion to the wrong which had been done. Resort was had in such cases to the arbitrary method of suspending sentence indefinitely. Now the judge may prescribe such punishment, light or heavy, within the maximum, as the particular circumstances of the case may require.

Of a different tendency are two acts, one by the State of California and one by the State of Connecticut, providing for the asexualization of inmates of insane asylums and state prisons in the discretion of certain medical officers of the state. The legislation is offensive because of its barbarism, and objectionable also because of the want of safeguards for the victim, there being no provision for anything in the way of a hearing and no notice required to his relatives or friends.

Revision of the statutes is going on in a number of states. New York has been engaged upon it for a number of years and has just brought it to completion. The work is pronounced by competent critics to be the best that has been done for many years and the credit of it is largely due to the labors and the zeal of the Treasurer of our Association.

There are new statutes, and amendments to old ones, against "trusts and monopolies," but we are left much in doubt as to their practical scope. They clearly proscribe any mere agreement, arrangement or combination between individuals, partnerships or corporations, to limit production or to fix prices. This is the least hurtful because the least efficient of the various attempts at

monopoly. Arrangements of this sort are not satisfactory to those engaged in them, are usually short-lived and not faithfully kept while in force. The "trust" is always included in terms, but it is obsolete. Nobody now is so ignorant or so defiant of law as to think of forming one. And it is very easy to do much better. Out of the ashes of the "trust" has sprung the holding company, the "trust" in an improved, perfected form. The holding company does and is designed to do exactly what was done by the "trust" and does it more efficiently. Is it under the ban of the law? Certainly not in all of the states. Chapter 97 of the Session Laws of Montana prohibits individuals, partnerships and corporations from directly or indirectly combining or forming "what is known as a trust" and in many and varied phrases from limiting production or fixing prices or creating "a monopoly in the manufacture, sale or transportation of any article of merchandise." Chapter 106 of the same laws, governing private corporations, authorizes capital stock "to any amount which may be deemed sufficient and proper for the purposes of the corporation," and it further authorizes any corporation to hold the capital stock of any other corporation or corporations, wherever formed or organized, and to exercise "all the rights, powers and privileges of ownership, including the right to vote upon such stock." Having slain the senile and debilitated "trust," they made invulnerable through legitimacy its youthful and sturdy successor, the holding company. They carefully guard against any possible resurrection of the "trust" by the provision "that nothing in this act shall be construed as repealing any of the provisions of House Bill No. 310, known as the "Anti-Trust" bill. But these two laws stand together, with the result that any industry or business of the state may be legally monopolized, provided it is well and thoroughly done and no half-way measures are employed. This condition of the law exists in other states, although in no other was it brought about with such apparent deliberation and at one and the same session of the Legislature. And it is this sort of dealing with serious public questions that accounts for the radicalism of later measures, most denounced by those most responsible for them.

But the holding company is not the full and final development of industrial combination. This is reached in the single corporation with unlimited power of capitalization and direct ownership of the business and properties with which it deals. Here is eliminated even the disturbing element of minority interests in constituent companies. Yet states which prohibit "trusts" and assume to prohibit monopolies, set no bounds to the capitalization of their corporations or fix the limit so high that under it many industries may be completely engrossed.

The result of such legislation is simply to prevent combination where the appearance of competition is maintained and to sanction it where the combination is open, avowed and most effective. That certainly was not the popular purpose. The movement against "trusts" was against the monopoly of industry or business, however accomplished, and the more thoroughly it was done, the greater was the objection to it. The assurance that the economies resulting from combination would cheapen production and that this would go to the benefit of the consumer was never accepted. Our people have no faith in a benevolent despotism. They know that power tends to abuse. A corporation large enough to engross an industry cannot be trusted to a generous or even a just use of its mastery. An enlightened self-interest may find its real and lasting advantage in moderation, but self-interest does not mean self-enlightenment. Recent disclosures show that greed has not changed its nature and still grows by what it feeds upon. The complete absorption of a rival is not beyond its capacity, and the crumbs of a false balance are not beneath its covetousness.

No state can deal with the problem singly and master it, and there has been and can be no concert of action between the states. Their interests may be the same, but their controlling forces are not. Mississippi may limit the capital stock of a manufacturing company to two millions of dollars and prohibit its holding the stock of another company, but it cannot regulate corporations organized elsewhere. Other states will and do charter corporations upon any terms desired, to do business where they will and perhaps not at all in the chartering state. Of what avail are the

laws of Mississippi against such a company? It may indeed refuse it permission to do business within its borders, but it cares nothing for that, since it can none the less do business with its people. Great corporations controlling some of the staples of commerce have no license from states with which they do enormous business. They have the right, secured by the Constitution of the United States against interference by the states severally, to sell their wares in any state of the union, make delivery of them and collect the price. This in many cases is all they want. As to commodities which it cannot produce, the legislation of the state may be hurtful to itself. It must have the commodities and it would be helped by the establishment of offices and warehouses within its borders. The hurt it would deal with results from the monopoly of the supply, and this it cannot reach. The commodities which are produced in every state and with which any state can supply itself are those as to which there is least danger of an effective and enduring monopoly. The danger exists chiefly as to the things whose sources of production or manufacture are restricted and which none the less enter into the general uses of the people. This may for the time being, as in some cases it has been, be dealt with by states in which the companies have taken up a habitation, and be visited with fines and penalties to be recouped later from the public, but the companies will learn from experience not to expose themselves and to keep, so far as any tangible presence is concerned, within the shelter of the favoring states.

The great industrial corporations are in practical effect as much agencies of interstate commerce as are the great carrier companies. If the production of a commodity is under one control, commerce in that commodity is under the same control, but unfortunately production is held not to be within the commerce clause of the federal Constitution, and so combinations to engross production may be effected, because the general government cannot prevent them and the states in which they are located will not. But something can be done under the taxing power, and the excise tax upon corporations imposed at the special session of Congress has a significance far beyond its

revenue features. It is of highest importance as the opening door to regulation which will broaden with the years. There is in this no invasion of merely private affairs. A business conducted by corporate methods is not a private business. Corporate powers are not natural rights and the general welfare is the only justification for the grant of them. The right of public supervision inheres in them and is as broad as the interests that may be affected. Whether the revision of the tariff was upward or downward or simply sideward is a matter of dispute, but we know that it was in friendly spirit and by friendly hands. While this was being done, there was no business in the country so private as to exclude it from a discriminating exercise of the taxing power in its behalf. Almost the first law enacted by the first Congress of the United States at its first session was one levying duties upon imports, the purposes declared by the act being "the support of government, the discharge of the debts of the United States and the encouragement and protection of manufacturers," and we have never been without such a law. What may thus be aided by the government may also be regulated, for there is no more stretch of federal authority in the exercise of control over our industries than in extending to them a constant fostering care.

Our life is made up increasingly every year of national relations. For the citizen of any state to abjure those relations is to isolate himself from the activities of his time. The investor in corporate securities needs the protection which comes from supervision and publicity. Stocks and bonds, representing, it may be, the capital in factories and warehouses in his own city, are the obligations of companies chartered by distant states. Of their real value he can have no personal knowledge. He must depend upon the quotations of the stock exchange, and these he finds to be a snare and a delusion. A listing by the exchange should mean that the stock if issued as fully paid has a value corresponding to its par, but stocks are listed and offered for sale immediately upon the organization of a company at prices having no relation to their nominal value. The New York Bar Association recently recommended a law permitting corpora-

tions to issue shares without a par value and as representing only aliquot parts of the ownership. The proposition, it was said, had "attracted a great deal of sympathetic support from business men who were looking for *a way of reconciling the necessary methods of business with the interests of ethics* and who feel they have been disturbed by the apparent conflict and more than an apparent conflict between the universal practice that we know in the organization of corporations with capital stocks not perhaps entirely within the bounds of the figures that have been annexed, to the money value of the property." Never was more serious charge conveyed in softer phrase and never was father confessor more gentle in rebuke. Stripped of its euphemism, the charge is that falsehood universally prevails in the capitalization of corporations and the utmost extent of the remedy proposed is silence. A watered share having an announced par value is a positive misrepresentation, a share issued as an aliquot part is an equivocation; it gives no information and it cries caution only to the initiated. Why not have it speak and speak the truth?

Years ago the cheap land of the country served to equalize opportunities. The man with a small amount of savings could buy land and through that share in the general progress of the country. The private corporation honestly conducted offers a like opportunity today. Small savings can be invested in shares and open the way for co-operation between employer and employe and the entire neighborhood of a factory may thus be brought into close community of interest with it. But this requires publicity and supervision. And no honest business will be hurt by it and no business unwilling to submit to it has any right to aid from those powers of sovereignty granted in corporate franchises. If a man's business is his exclusive affair, let him as to that be left exclusively to the exercise of his natural faculties. A clamor against supervision has always been made. It was resisted when first proposed for banks. And here, if anywhere, it would appear to be dangerous, for banking deals with credit, the most sensitive element of business. Under the strictest supervision, banking has enormously increased in volume, its shares command a higher price than any other relatively to their income

and probably no other business is more widely diffused in its ownership among people not directly engaged in it. Thoughtful men, years ago, when the corporate method was first applied to ordinary business, looked upon it with apprehension and as an unwarranted use of public powers for private purposes. If the so-called private corporation is to continue in existence, it will not be upon terms and conditions which admit only the few to its benefits. Its ownership must become so widely shared that its welfare will mean the welfare of all the people.

Railroad legislation is to be found in nearly all the session acts, some of it relating to operation and some to rates. Much of that relating to operation seems to be very proper, but this is a question largely for experts. The propriety of rate legislation depends upon facts which would seem to be simple of ascertainment, but in the endeavor are not. The greatest differences imaginable exist in the conclusions reached by accountants. There is a difference of seventeen millions of dollars between the Railroad Commission of Illinois and the railroad companies as to the effect of the two-cent fare upon the net income from state travel in Illinois for one year. While the two-cent rate has been held to be invalid as non-compensatory by circuit courts of the United States in a number of cases arising under laws enacted two years ago, and the cases are now pending in the Supreme Court, Indiana, Michigan and South Dakota have this year enacted the same rate. The question of fact involved it is not proper to discuss here, nor is that of the highest importance. If the rate is too low it can be enjoined before serious loss is suffered. But these laws have been assailed as if they were deliberate aggressions by the public upon vested rights of property, and if this criticism is at all warranted, the situation is a very serious one.

The people understand that the extension, and even the maintenance, of our railroad system is impossible if the companies are not permitted to earn a reasonable return upon the capital invested, and they are not averse to this, nor would they cavil as to the percentage of profit so long as it was near the usual returns upon capital. But they see enormous additions made to stocks and bonds, without a corresponding addition to or improvement



of the properties. Private fortunes are increased and in turn are squandered with lavish hand and vulgar ostentation. The people believe they are entitled, as much as mere financial manipulators, to share in the apparent prosperity, as they have contributed to it, but when they propose a reduction of rates, the cry is raised that the companies are already on the verge of bankruptcy. It is hard to understand this anomaly of rich proprietors of poor properties.

Certainly the public temper was not always a hostile one. In the beginning it was friendly in the extreme. It usually expressed itself in terms of grant, rarely in the way of restriction. For forty years after railroad construction was begun there was no interference with management. What caused the change which took place in the early seventies? It was the abuse by the companies of the liberty that had been allowed to them. The roads were public institutions for the purpose of exercising the power of eminent domain and of receiving public aid, but in other respects they were used as private. Discrimination as between individuals and localities was openly practiced and avowed, and to this more than to superior business ability many of the colossal fortunes of the present day owe their existence. The basic principle upon which modern regulation rests was stoutly denied. For more than ten years after the states acted, the companies were left free by Congress, and practices barred in the traffic of the state were continued in the larger field of the nation. When at last Congress interfered its enactments were as it is now confessed, generally evaded, and the abuses continued, until various amendments to the law, each more drastic than the one before, are said to have made an end of them. Why, then, are not the old relations restored? Because a confidence lost by a long course of bad practices cannot be at once regained by good professions.

So long as varying rates were made by the company whether directly or in the form of rebates, it was natural to believe that the low rate was a sufficient one. No schedule fixed by a Legislature or commission went below what had been voluntarily granted to some persons in some way for the same or a similar



service. At this day with all the protest made against two-cent passenger fares, they are freely accorded to whomsoever can indulge himself in a mileage book of sufficient proportions. Full fares are exacted only from the many who individually do not travel much and rarely on the fast train or in the best coach. The result is to make those pay most who get the least. I am glad to note that the far east state of Maine recognizes the prevailing discrimination as an injustice and has this year passed an act providing that if mileage books are issued, they "shall be absolutely transferable."

These considerations are not urged to vindicate the legislation complained of—that must be judged upon its own merits; but they go far to account for it, without impeaching the integrity of those who enacted it.

The science of government cannot be reduced to a few convenient and definite formulas. The appropriate bounds of legislative action will always be the subject of controversy. Men have never agreed, and perhaps never will, as to the measure of interference with individual habits which are harmless in moderation and in excess are hurtful to society. The adoption of our system of public education was criticised and every extension of it is criticised as paternalism. The common law governing the relation of employment was inhuman in its application to modern conditions of industry and yet every innovation was looked upon as sacrilege. Limitations imposed upon the power which advantage of position gives to one man over another are decried as in violation of the freedom of contract. Laws which look to shorter hours of arduous and dangerous labor, to the relief of women from the thrall of unwomanly drudgery, and to the care of children that they may develop into strong manhood and good womanhood, are said to be the bread and circus of decadent Rome, destroying the self-reliance of our people, and making them look to the state in every time of trouble. The gloomy forebodings of Macaulay are invoked, that the institution of property cannot sustain itself in our setting of Democracy. The bread and circus of Rome were but the bribes paid by political adventurers to idle and dissolute voters, themselves a privileged class; the great mass

of the people never shared in them and had leave but to live and to toil. The older civilizations failed because they meant only the uplift of the few, but our institutions are conceived in a nobler spirit and work to a higher end. Side by side, hand in hand, helpful each to the other, have gone our marvelous material development and the increasing humanity of our laws. The constructive energy of the age has erected monuments, not of vanity, but of utility, whose towering height mocks the endeavors of the builders of Babel—it has spanned the widest rivers that they may be crossed dryshod, tunneled the greatest mountains that they may be traversed on a level, and the very seas which God has put asunder it essays to unite. Industrial enterprise has been organized upon a scale, with forces and productive powers, not dreamed of before. Commerce has expanded its scope until the remotest hamlets of the world exchange their wares one with another. The accumulated wealth of this generation manifested in fortunes of mammoth proportions and myriad in number attests that never in the history of the world has labor been so bountiful in the return it makes for its hire. The march of legislation through these years has been sometimes halting, because it was hindered, and sometimes groping because the way was not clear, but it was never in deliberate aggression upon property and never will be, if Honesty and Justice are displayed in the acquisition of wealth and Wisdom and Moderation in the use of it.

## APPENDIX

### SUMMARY OF NOTEWORTHY CHANGES IN LEGISLATION BASED ON REPORTS MADE BY MEMBERS OF THE GENERAL COUNCIL.

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#### CONGRESSIONAL LEGISLATION.

At the last regular session of Congress additional district judges were provided for in the Western District of Pennsylvania, the Southern District of New York, the Western District of Washington and the District of Oregon.

The most important legislation was an act to codify, revise and amend the penal laws of the United States.

Treaties for the settlement of controversies by the Permanent Court of Arbitration established at The Hague, not affecting the vital interests, the independence or the honor of the contracting parties, nor concerning the interests of third parties have been entered into by the United States with Sweden, Japan, Portugal, the Swiss Confederation and Italy.

By treaty between the United States, Belgium, Brazil, Spain, France, Great Britain, Italy, The Netherlands, Portugal, Russia, Switzerland and Egypt, an international office of public health was established at Paris, the main object of which is "to collect and bring to the knowledge of the participating states, facts and documents of a general character concerning public health and especially regarding infectious diseases, notably the cholera, plague and yellow fever, as well as the measures taken to check these diseases."

The special session of Congress was almost entirely occupied with the tariff bill which, in addition to levying duties upon imports, provided for a 1 per cent excise tax upon the net income of corporations.

A census bill was also passed.

## STATE LEGISLATION.

### ARIZONA.

(1) In addition to qualifications of electors as heretofore, has been added the following: "And who not being prevented by physical disability from so doing, is able to read the Constitution of the United States in the English language in such manner as to show he is neither prompted nor reciting from memory, and to write his name . . . ." (Chap. 13, p. 18.)

(2) Party vignettes on ballots have been abolished. (Chap. 9, p. 12.)

(3) A direct primary law was also enacted. (Chap. 24, p. 60.)

(4) Admission to practice of law has been amended by strik-

ing out the requirement that a person shall have pursued the study of law in the office of some attorney of good standing or in some recognized law school or university for at least three years prior to examination. This authorizes any person of good moral character to be admitted to practice who can pass the required examination. (Chap. 76, p. 151.)

(5) Damages for injuries resulting in death heretofore limited to \$5000, amended by striking out the amount and allowing the jury to fix damages. (Chap. 16, p. 33.)

(7) Railway Commission created. (Chap. 15, p. 23.)

(8) In criminal cases where death penalty is fixed, execution must take place in the territorial prison. (Chap. 28, p. 92.)

(9) An act relating to vital statistics. (Chap. 76, p. 181.)

(NOTE: As I understand it, this act is one approved by the Board of Health in Washington, and has been approved heretofore by the American Bar Association.)

The last Legislature has also created an Arizona historian; a home for aged and infirm Arizona pioneers; a commission to draft a code of laws regulating mining; passed an act relating to construction and maintenance of a territorial highway and creating the office of territorial engineer to look after same. (Chap. 97, p. 241.) Banks other than savings banks are required to keep at least 15 per cent in cash of the aggregate amount of deposits. (Chap. 90, pp. 228-229.)

#### ARKANSAS.

Act 34 makes it a misdemeanor, punishable by fine of \$10 to \$50, to send any claim out of this state to be collected by attachment or garnishment when both parties are within the jurisdiction of the courts of this state. Assigning or transferring claims for such purpose is prohibited.

This act is intended to prevent the sending of claims against employees of railroads in this state out of the state, attachments or garnishments there being served upon the companies for whom the debtor employe is working.

Act 112 provides that two or more persons uniting for the purpose of doing an unlawful act, or while armed or disguised in-

timidating another, and all persons who knowingly attend a meeting for such purpose, will be guilty of a felony and punished by confinement in the penitentiary not to exceed five years. If such persons go forth at night or at any time disguised, and intimidate or attempt to intimidate any person by assault, destruction of property, or mail or deliver any written or printed notice calculated to intimidate, they shall be guilty of a felony and punishable by confinement in the penitentiary from two to ten years, and fined not more than \$5000. If any person seeks to intimidate by writing or token (such as delivering a bundle of switches or matches), or deliver any message purporting to come from such unlawful band, he will be guilty of a felony, and punishable by confinement in the penitentiary from one to seven years.

This act is intended to prevent what is known as "night riding."

Act 258 provides that when mob violence is threatened the sheriff shall notify the judge of the trial court and request a special term of court. The judge, upon ascertaining that the fear of mob violence is well founded, shall empanel a special grand jury and provide the other necessary judicial machinery and begin trial within ten days. In case the trial judge is ill, or otherwise unable to hold court, he shall call the special term, and the Bar in attendance upon the court shall elect a special judge to preside in the absence of the regular judge. If the judge is holding court when called upon to convene a special term, he may adjourn his court for the purpose of holding the special term. If the defendant takes a change of venue, the trial is to be fixed within ten days. The sheriff failing to call special term when requested so to do by at least seven citizens in writing, may be fined in any sum from \$200 to \$1000.

#### CALIFORNIA.

*Attorneys-at-Law Falsely Advertised.*—Any person other than a regular licensed attorney, who advertises himself as practicing or entitled to practice law in any court of justice, is guilty of a misdemeanor. (P. 147.)

*Public Schools.*—The governing body of school districts are given the power to establish separate schools for children of Indians, and of Chinese or those of Mongolian descent, and when such separate schools are established, Indian, Mongolian or Chinese children must not be admitted to any other school. (P. 903.)

*Anti-Fraternity.*—It shall be unlawful for any pupil enrolled as such in any elementary or secondary school of this state, to join or become a member of any secret fraternity, society or club, wholly or partly formed from the membership of pupils attending such public schools, or to take part in the organization or formation of any such fraternity, society or secret club, except the Native Sons of the Golden West, Native Daughters of the Golden West, Forresters of America or other kindred organizations not directly associated with the public schools of the state. (P. 332.)

*Exclusion of Asiatics.*—The Senate and Assembly constituting the Legislature, passed a joint resolution, declaring it right and proper that the people of this country should be advised as to the true position of California on the question of exclusion of Asiatics, and resolved that the Congress of the United States be respectfully urged to maintain intact the present Chinese exclusion laws, instead of taking any action looking to the repeal of said exclusion laws, and to extend the terms and provisions thereof so as to apply to and include all Asiatics, including Japanese. (P. 1346.)

*Railroads.*—Every person, who, without being thereunto duly authorized by the owner, lessee or person or corporation engaged in the operation of any railroad, shall manipulate or in any wise tamper or interfere with any air-brake or other device, appliance or apparatus in or upon any car or locomotive upon such railroad, and used or provided for use in the operation of such car or locomotive, or of any train upon such railroad, or with any switch, signal or other appliance or apparatus used or provided for use in the operation of such railroad, shall be deemed guilty of a misdemeanor, punishable by fine not exceeding one hundred

dollars, or imprisonment not exceeding three months, or both. (P. 453.)

*Veterinarians.*—Any practitioner of veterinary medicine, who, upon gaining information thereof, fails to immediately report in writing infectious diseases among animals, shall be guilty of a misdemeanor. (P. 451.)

*Divorce, Co-respondents.*—When in an action of divorce adultery is charged against either party, and the person with whom such adultery is alleged to have been committed by such party is named in any of the pleadings, a copy of such pleadings must be personally served upon such named person; or, in case such named person cannot be found, such notice of the action in connection with such person therewith shall be given as shall be ordered by the court; the said person so served shall have the right to appear and plead and be heard in such action in the same manner and to the same extent as the parties to the action. (P. 974.)

*Non-Support of Wife or Child.*—A parent who wilfully omits, without lawful excuse, to furnish necessary food, clothing, shelter or medical attendance for his child, is punishable by imprisonment in the state prison or in the county jail not exceeding two years, or by fine not exceeding one thousand dollars, or both; and every husband having sufficient ability to provide for his wife's support, or who is able to earn the means of such wife's support, who wilfully abandons and leaves his wife in a destitute condition, or who refuses or neglects to provide such wife with necessary food, clothing, shelter or medical attendance, unless by her misconduct he was justified in abandoning her, is subject to the same penalty; and the court may, after arrest and before plea or trial, or after conviction or plea of guilty, and before sentence, for violation of either of the foregoing provisions, bind him for six months for the due performance of his duty as such parent or husband. (Pp. 258-259.)

*Asexualization.*—Whenever in the opinion of the medical superintendent of any state hospital, or the superintendent of the California Home for the Care and Training of Feeble-Minded Children, or of the resident physician in any state prison, it would be conducive to the benefit of the physical, mental or

moral condition of any inmate of said state hospital, home or state prison, to be asexualized, then such superintendent or resident physician shall call in consultation the general superintendent of state hospitals and the secretary of the state board of health, and they shall jointly examine into all the particulars of the case with the said superintendent or resident physician, and if in their opinion, or in the opinion of any two of them, asexualization will be beneficial to such inmate, patient or convict, they may perform the same; *provided*, that in the case of an inmate or convict confined in any of the state prisons of this state, such operation shall not be performed, unless the said inmate or convict has been committed to a state prison in this or in some other state or country at least two times for some sexual offense, or at least three times for any other crime, and shall have given evidence while an inmate of a state prison in this state that he is a moral and sexual pervert; and *provided further*, that in the case of convicts sentenced to state prison for life, who exhibit continued evidence of moral and sexual depravity, the right to asexualize them, as provided in this act, shall apply, whether they have been inmates of a state prison either in this or any other state or country more than one time. (Pp. 1093-1094.)

*Dental Surgeon for Inmates of Certain Public Institutions.*—The office of state dental surgeon is created, with power to the governor to fill the office by appointing a skilled dental surgeon for the State of California, who shall be a graduate in good standing of a recognized college of dental surgery, legally qualified to practice as such in this state, who shall hold said office for the period of four years from and after the date of qualification, with a salary of \$2400 per annum, paid at the same time and same manner as are the salaries of other state officers. His duties are to perform the dental services for the inmates of the various state hospitals, and to perform such services in as efficient and durable manner as possible, and shall consist of cement and amalgam fillings, treatment and extracting teeth, inserting artificial teeth and give such other treatment to the teeth as may be necessary, inserting artificial teeth on vulcanite plates, and performing such other surgery operations as may be referred to him



by the superintendents of the various state hospitals. No service shall be performed by the state dental surgeon for any officer or employe of any state institution, except in the case of extreme emergency. The state dental surgeon must visit every state hospital at least twice in the year, and shall at all times be under the supervision of the California State Commission in Lunacy. (Pp. 947-948.)

*Minor Children.*—Every parent of any child under the age of fourteen years, and every person to whom any such child has been confided for nurture or education, who deserts such child in any place whatever with intent wholly to abandon it, is punishable by imprisonment in the state prison or in the county jail not exceeding one year or by fine not exceeding five hundred dollars, or both; and every person who knowingly and wilfully abandons, or who, having ability so to do, fails or refuses to maintain his or her minor child under the age of fourteen years, or who falsely, knowing the same to be false, represents to any manager, officer or agent of any orphan asylum or charitable institution for the care of orphans, that any child for whose admission into such asylum or institution application has been made is an orphan, is punishable by imprisonment in the state prison, or in the county jail, not exceeding one year, or by fine not exceeding five hundred dollars, or both. (P. 297.)

*Labor.*—Minor children under sixteen years of age not to be employed in any mercantile institution, office, laundry, manufacturing establishment, workshop, place of amusement, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages, between the hours of ten o'clock in the evening and six o'clock in the morning of the next day; and no minor under fourteen years shall be employed in any such occupations, except with the permission of the judge of the juvenile court as to any child over twelve years of age, and except that any child over twelve years may be employed in any of such occupations during regular vacations of public schools, but no minor under sixteen years of age shall be employed in any gainful occupation, during the hours that the public schools are in session, unless he can read English at sight, and can write legibly

and correctly simple English sentences, and unless he is then a regular attendant of a regularly conducted night school. (P. 387.)

*Juvenile Court.*—The juvenile court is established as a branch of the Superior Court, to enforce a law known as the juvenile court law, which shall apply only to children under the age of eighteen years not now or hereafter inmates of a state institution. The law is designed for the protection of a delinquent child or dependent child found begging, or who is a vagrant or wandering about, without home or settled place of abode, or who has no parents or guardian, or who is destitute, or whose home by reason of neglect, cruelty or depravity of his parents, or either of them, or on the part of his guardian, or on the part of the person in whose custody the child may be, is an unfit place for such child, or who frequents the company of reputed criminals, vagrants or prostitutes; or who is found living or being in any house of prostitution or assignation; or who habitually visits, without parent or guardian, any saloon, pool room or place where spirituous, vinous or malt liquors are sold, bartered or given away; or who persistently refuses to obey the reasonable and proper order or directions of his parents or guardian; or who is incorrigible, by reason of the vicious conduct or nature of said minor; whose father is dead or has abandoned his family, or is an habitual drunkard, or whose father does not provide for such minor, and such minor is destitute of a suitable home or of means of obtaining an honest living, or is in danger of being brought up to lead an immoral life, or where both parents of such child are dead, or the mother if living, is unable to provide proper support and care of such minor child; or who is an habitual truant; or who habitually uses intoxicating liquors or habitually smokes cigarettes, or who habitually uses opium, cocaine, morphine or other similar drug, without the direction of a competent physician. A delinquent child is one under the age of eighteen years who violates any law of the state, or any ordinance of any town, city, county or city and county of this state, defining crime. (Pp. 213-227.)

*Topographic Surveys for Conservation of Water.*—The department of engineering is empowered to carry on topographic surveys and investigations into matters pertaining to the water resources of the state, along the lines of hydrography, hydro-economics, and the use and distribution of water for agricultural purposes. (P. 1079.)

*Health, Prevention of Tuberculosis.*—It shall be the duty of the state board of health to publish or procure and to distribute free to the people of the State of California printed matter, charts, pictures or models, or to demonstrate to them in any practical way the prevalence of tuberculosis, the danger of infection therefrom and the means of prevention and cure. (P. 368.)

*Sanitation of Places Used for Production of Food.*—Every building, room, basement or cellar, occupied or used as a bakery, confectionary, cannery, packing-house, slaughter-house, restaurant, hotel, grocery, meat market or other place or apartment, used for the production, preparation for sale, manufacture, packing, storage, sale or distribution of any food, shall be properly lighted, drained, plumbed and ventilated, and conducted with strict regard to the influence of such conditions upon the health of the operatives, employes, clerks or other persons therein employed, and the purity and wholesomeness of the food therein produced, kept, handled or sold; and for the purpose of this act the term "food" shall include all articles used for food, drink, confectionery or condiment, and all substances and ingredients used in the preparation thereof. And the walls and utensils, implements and machinery at no time to be kept in an unclean, unhealthful or unsanitary condition, and all food supplies, machinery, etc., must be protected from flies and other dust, dirt and unsanitary conditions. Screens, toilets, lavatories and cuspidors shall be provided, and no person shall be allowed to reside or sleep in any room of a bake shop, public dining room, hotel or restaurant kitchen, confectionary or other place where food is prepared, produced, manufactured, served or sold. No person suffering with any infectious disease shall be permitted to work in any such place. Health officers have the power to inspect such premises, and if found contrary to the provisions of the act by

the health officer, shall report to the district attorney of the county, whose duty it shall be to prosecute for all infractions of the act. (Pp. 151-154.)

*Laundry from Hospitals.*—Every person who conducts within the limits of any city and county, or city or town or village, a public laundry, who shall receive any linen or clothing or bedding or other articles for the purpose of cleaning the same, from any hospital or pest house or sanitarium where contagious or infectious diseases are treated, or from any undertaking establishment or public morgue, or pest-house, is guilty of a misdemeanor. (P. 1063.)

*Extermination of Rats.*—It shall be and it is declared the duty of every person, firm, co-partnership, company and corporation owning, leasing, occupying, possessing or having charge of or dominion over any land, place, building, structure, wharf, pier, dock, vessel or water craft, which is infested with rats, mice, gophers or ground squirrels, as soon as the presence of the same shall come to his knowledge, at once to proceed to exterminate such rodents, by poisoning, trapping and other appropriate means.

The state board of health and inspectors appointed by such board, and local health officers and inspectors appointed for the purpose, shall have authority and shall be permitted, to enter into and upon any and all lands, places, buildings, structures, wharves, piers, docks, vessels and water craft, for the purpose of ascertaining whether the same are infested with such rodents, and whether the requirements of this act are being complied with; provided that no building occupied as a dwelling, hotel or rooming house shall be entered except between the hours of nine o'clock in the forenoon and five o'clock in the afternoon. Supervisors of the county may appropriate monies for the purpose of exterminating such rodents, and whenever any person charged with the duty of exterminating such rodents shall neglect or refuse to do so, it shall be the duty of the state board of health, its inspectors, and the local board of health and health officer, at once to cause such nuisance to be abated by exterminating and destroying such rodents. The expense thereof shall be a charge

against the county, city and county, city or town, wherein the work is done, and the board of supervisors or other governing body shall allow and pay the same, and thereupon the clerk of such board shall file in the office of the county recorder a notice of such payment, claiming a lien on such property on which the nuisance may be abated, and the amount of the claim may be recovered, and the property may be sold in an action brought to foreclose such lien, which action must be within ninety days after the payment shall be made by the board of supervisors or other governing body. The act also provides that any violation of its provisions shall be deemed a misdemeanor and punishable as such.

**NOTE:** This act is particularly directed against rats along the water fronts, which were supposed to spread the bubonic plague. (Pp. 311-313.)

*Tenement House Act.*—This act regulates the building and occupancy of tenement houses in incorporated towns, incorporated cities and cities and counties, and provides penalties for the violation thereof. It is a long act, and defines tenement houses and apartment houses, yards, courts, shafts, public halls, stairways, basements, cellars, etc., and prescribes the manner in which they shall be constructed, maintained and used. The object of the act is to promote the health, comfort and convenience and independence of the occupants of tenement houses. (Pp. 948-963.)

*Misleading Advertisements.*—It is made a misdemeanor for any person, firm, corporation or association, or employe thereof, to publish in any newspaper or periodical, published in the state, any false or misleading advertisement. (P. 1078.)

*Labor in Mines.*—Limited to eight hours out of twenty-four. (P. 274.)

*Labor Unions, Protection of Buttons.*—The unauthorized wearing of labor union buttons or use of labor union cards is made a misdemeanor. (Pp. 546-668.)

*Desecration of Flag.*—Advertising upon the flag of the United States or ensign evidently purporting to be such flag, is a misdemeanor, punishable by fine of not more than \$200, or im-

prisonment of not more than one year, or both, for each and every offense, in the county jail of the county in which the trial is held; *provided*, that flags or ensigns, the property of and used in the service of the United States, or any state, territory or District of Columbia, may have inscriptions, names of actions, battles, skirmishes, words, marks or symbols, which are placed thereon pursuant to law or authorized regulations; and *provided further*, that this act shall not apply to banners or flags carried by military or patriotic organizations existing under the laws of the State of California and the United States of America, or to flags used in theatrical performances, or to flags carried by political parties, or organizations, in parades, or in public meetings. (P. 401.)

*Adoption and Protection of Farm Names.*—Any person may adopt a name for any farm or estate owned or leased by him, and register it in the manner provided for the registration of trade-marks, and any person selling or marketing the products grown on any particular farm or estate may use the name of such farm or estate as a trade-mark on such products, in the same manner as provided for other trade-marks. (Pp. 232-233.)

*February 12, Lincoln Day.*—February 12, birthday of Abraham Lincoln, is added to the legal holidays of the state. (P. 61.)

*Lifeboats at Bathing Places.*—Every person, firm of persons or corporation, owning or conducting within this state a bath house, or other public place for the purpose of accommodating bathers, bordering upon or adjoining the sea-coast, or a lake where the public resort for the purpose of bathing in the open sea or lake, shall keep one or more lifeboats fully equipped with oars, oarlocks and not less than two life-preservers and two hundred feet of rope, always in good repair and near the bath house or resort. Such boat or boats shall have the word "lifeboat" plainly printed or painted upon them, and they shall be used for no other purpose than for saving of life or other cases of emergency; and any such person, firm of persons or corporation who fails to comply with the provisions of the act is guilty of a misdemeanor, punishable by a fine of not less than ten nor more than two hundred dollars,

or imprisonment in the county jail not less than ten days nor more than six months, or both. (P. 261.)

*Gambling, Pool-Selling, Book-Making.*—Pool-selling, book-making, bets and wagers are prohibited under a penalty of imprisonment in the county jail or state prison for a period of not less than thirty days and not exceeding one year. This act was aimed at the betting and pool-selling at race courses. (P. 21.)

*Primary Law.*—This act regulates primary elections for the nomination of candidates for various offices, and provides the method whereby electors of political parties may express their choice at such primary elections for United States Senators. (Pp. 691-711.)

*Eminent Domain.*—The act prescribing the purposes for which eminent domain was exercised was amended by adding a new section thereto, viz.: The plants, or any part thereof, or any record therein of all persons, firms or corporations heretofore, now or hereafter engaged in the business of searching public records, or insuring or guaranteeing titles to real property, including all copies of, and all abstracts or memoranda taken from public records, which are owned by, or in the possession of, such persons, firms or corporations, or which are used by them in their respective business; *provided, however*, that the right of eminent domain in behalf of the public uses mentioned may be exercised only for the purpose of restoring or replacing, in whole or in part, public records or the substance of public records, of any city, city and county, county or other municipality, in which records have been, or may hereafter, be lost or destroyed by conflagration or other public calamity; and *provided further*, that such right shall be exercised only by the city, etc., whose records or part of them may have been so lost or destroyed. This act was occasioned by the loss of public records of the city and county of San Francisco at the earthquake and fire of April 18 to 20, A. D., 1906. (P. 1033.)

*Mining Claims.*—A new law was enacted governing the location of mining claims.

*Practice of Medicine.*—Osteopathy and naturopathy are recognized and regulated.

*Optometry.*—This profession is subjected to legal regulation.

*Railroads.*—A reciprocal demurrage law was enacted and a railroad commission provided for.

*Cemeteries.*—Cemeteries as public institutions are authorized.

*Insurance.*—A standard form of policy is prescribed.

#### COLORADO.

In addition to those mentioned in the address, are to be noted acts regulating the practice of architects and the business of barbers, for the inspection of factories, the establishment of county high school districts and the physical examination of school children.

#### CONNECTICUT.

The Legislature was still in session when the Association met, and a full report was, therefore, not possible.

A Sunday law presumed to be more liberal than the existing one was enacted, but vetoed by the governor.

Bills were passed and have become laws concerning the sale of adulterated foods, the employment of women and children, spitting in public places, tuberculosis and blacklisting. The act providing for asexualization in certain cases is referred to in the address.

#### FLORIDA.

The practice of osteopathy, optometry and dentistry is regulated. The Board of Health is authorized to enforce rules for the protection of the public health, and to establish and maintain sanitariums for the treatment of tuberculosis. Provision is made for fire protection in public schools, and for the teaching of the elementary principles of agriculture and of civil government. The drinking of liquor on trains is prohibited, and also the sale of certain narcotics. There is a pure food law, and laws for the suppression of contagious diseases in live stock, to prevent the pollution of water, regulating fire insurance companies, prescribing the standard for cotton seed meal, penalizing railroad companies for delay in settling claims, and to prevent corrupt practices at elections.



## GEORGIA.

The Legislature had not adjourned in time for a full report. The noteworthy enactments are as follows:

An act to amend the Constitution of the State of Georgia by repealing Section 1 of Article 2, and inserting in lieu thereof a new section, consisting of nine paragraphs prescribing the qualification for electors; providing for the registration of voters, and for other purposes.

The qualifications of the voters are contained in the sub-divisions of Paragraph 4 of Section 1 of the above act, and are as follows:

1. All persons who have honorably served in the land or naval forces of the United States in the Revolutionary War, or in the War of 1812, or in the war with Mexico, or in any war with the Indians, or in the war between the states, or in the war with Spain, or who honorably served in the land or naval forces of the Confederate States or of the State of Georgia in the war between the states; or

2. All persons lawfully descended from those embraced in the classes enumerated in the sub-division next above; or

3. All persons who are of good character and understand the duties and obligations of citizenship under a republican form of government; or

4. All persons who can correctly read in the English language any paragraph of the Constitution of the United States or of this state, and correctly write the same in the English language when read to them by any one of the registrars, and all persons who solely because of physical disability are unable to comply with the above requirements, but who can understand and give a reasonable interpretation of any paragraph of the Constitution of the United States or of this state, that may be read to them by any of the registrars; or

5. Any person who is the owner in good faith in his own right of at least forty acres of land situated in this state upon which he resides, or is the owner in good faith in his own right of property situated in this state and assessed for taxation at the value of \$500.

This act further provides that the right to register under Subdivisions 1 and 2 of Paragraph 4 shall only continue until January 1, 1915. It also provides that any person dissatisfied with the decision of the registrars touching his qualification as a voter, may enter his appeal with the registrars, who shall return the same to the clerk of the Superior Court of the county where such citizen resides, and that such appeal shall be tried by the Superior Court of the county as other appeals are now tried. Act approved August 1, 1908. Amendment submitted to popular vote in October, 1908, and carried by a large majority.

To amend the Constitution to permit counties to tax for county police and necessary sanitation.

To amend Constitution to provide for pensions to ex-Confederate soldiers and widows of such soldiers.

To prohibit railroad companies from employing inexperienced engineers.

To require railroad companies to equip engines with electric head-lights.

To prohibit unauthorized persons from interfering with the running or movement of railroad locomotives or trains.

To provide additional regulations for primary elections.

To provide additional regulations for registration of voters.

To require candidates to publish in detail in certain newspapers, and to file itemized statement under oath of their campaign expenses.

To prohibit contributions by corporations, their officers or agents to campaign funds, or for any political purpose or to influence the vote, judgment or action of any official in the state.

To authorize establishment of farms, to which may be sent persons committed in police courts and juvenile offenders.

To provide for inspection of foods and drugs.

To make foreign will muniment of title without being probated in this state.

To establish examining board for public accounts.

To establish examining boards for veterinary applicants.

To prescribe duty of telegraph companies as to receiving and transmitting and delivering messages.

To establish a sanitarium for tuberculosis.

## IDAHO.

Idaho has enacted laws of general interest as follows:

Amending law regulating period of employment in underground mines.

Regulation of liquor traffic. County local option.

Licensing and regulating public warehouses.

Employers' liability, restricting defenses of fellow workman and assumption of risk. Provides for recovery in cases of death, of not more than \$5000, not subject to debts of deceased.

Providing for protection and care of orphans, homeless, neglected or abused children.

Providing for indeterminate sentence of persons convicted of any felonies except treason and murder in the first degree.

Authorizing corporations to hold stock in other corporations.

Primary election law, expressing choice for United States Senator.

Authorizing highway districts to bond for construction, operation or leasing of wagon roads, railroads and other highways.

Regulating operation and equipment of mines.

Prohibiting issuance of passes or free transportation to certain state and county officers over electric and steam railroads and steamboats.

Prohibiting wholesale liquor dealers from being interested in places doing retail business.

## ILLINOIS.

An act was passed making it unlawful for any person to follow the occupation of a barber in Illinois unless he should first obtain a certificate of registration. The act provides for a board of examiners of three persons, to be appointed by the governor, and to consist of practical barbers, and that they shall hold examinations and inspect barber shops, etc., and issue certificates of registration which shall be issued to those having the requisite skill and sufficient knowledge of common diseases of face and skin to avoid the aggravation or spreading thereof. The board is also authorized to adopt reasonable rules, subject to the approval of the State Board of Health for the sanitary regulation of barber shops.

An act making it unlawful for anyone operating a line of railroad in this state to permit the use of any caboose cars, unless they are at least twenty-four feet in length, exclusive of platforms, with a door in each end thereof and with guard rails, grab irons and steps on the platforms, and in other respects conforming to the act.

An act providing that all conveyances and all instruments of writing of whatever nature enforceable in this state that may have been or shall hereafter be executed without the state, whether by a resident of the state or not, without a seal, where the law of the place where such instrument is executed does not at the date of execution require a seal or scroll to the signature, shall be valid in this state, and given the same force and effect in law and equity as if a seal or scroll had been affixed.

An act requiring the publishers of school books who desire to offer them for sale for use in the public schools of the state to file sample copies of the books in the office of the Superintendent of Public Instruction, together with wholesale and retail prices, and a written agreement to furnish the books at such prices, with a proviso that the Superintendent of Public Instruction shall not in any case license the publisher, nor shall school officers contract with him for furnishing school books which shall be sold, at retail prices in excess of a schedule found in the act.

Section 4 provides that if a publisher of school books enters into any pool or combination to control prices or restrict competition in the adoption or sale of school books in this state, or if the statements required of him and made are untrue, or if he gives or offers directly or indirectly to any school teacher or dealer any money, gift, etc., to influence his conduct as to the adoption or purchase of school books, then his license shall be revoked by the Superintendent, and his books omitted from the list of licensed books, and all contracts with him may be nullified at the option of the other parties thereto.

An act authorizing corporations organized to do the business of accident insurance on the assessment plan to change their organization so as to include among their corporate powers au-

thority to insure against disability resulting from sickness or disease, and to provide a funeral benefit for their members.

A very important statute is the act to revise the laws relating to charities and corrections.

Section 1 states the purpose of the act as follows: The purpose of this act is to provide humane and scientific treatment and care, and the highest attainable degree of individual development, for the dependent wards of the state; to provide for delinquents and prisoners such wise conditions of modern education and training as will restore the largest possible portion of them to useful citizenship; to promote the study of the causes of dependency and delinquency, and mental, moral and physical defects, with a view to cure and ultimate prevention; to secure the highest attainable degree of economy in the business administration of the state institutions consistent with the objects above enumerated, and this act, which shall be known as the code of charities and corrections of the State of Illinois, shall be liberally construed to these ends.

An act providing that no female shall be employed in any mechanical establishment or factory or laundry more than ten hours during any one day.

An act making it the duty of every teacher of a public school in this state to teach to the pupils thereof honesty, kindness, justice and moral courage, for the purpose of lessening crime and raising the standard of good citizenship. The act contains provisions as to the details of such instruction, prescribing not less than one-half hour per week during each term for instruction in kindness and justice, and humane treatment and protection of birds and animals, and the important part they fulfill in the economy of nature. It also prohibits any experiment upon any living creature for the purpose of demonstration in any study in any public school of the state.

An act giving power to the city council in cities, and the president and trustees in villages, and in any incorporated towns, to license street advertising by means of bill-boards, etc., and to regulate the character and control the location of such structures upon vacant property and buildings.

A bill was passed amending the law in relation to marriages, as the same was amended in 1905. By the statute of that year so called common law marriages were prohibited in this state, and this amendment of that statute further prescribes a ceremonial marriage as necessary in order to constitute a valid marriage under the laws of this state.

An act was passed providing that hereafter no ordinance passed by the city council of any city, or trustees of any village, authorizing the issuance of bonds or other obligations, except for refunding an existing bonded indebtedness, shall become operative until such ordinance shall have been submitted to the voters of such city or village at the next succeeding general or special election, and approved by a majority of such voters voting upon the question.

#### INDIANA.

Attention is called to the following chapters:

- 25. Establishing a maximum passenger rate of two cents per mile on railroads.
- 34. Restricting brokerage in wages.
- 46. Regulating sale of feeding stuffs.
- 47. Tenement house regulation.
- 48. Bulk sales of merchandise.
- 64. Elections.
- 83. Public playgrounds in cities.
- 163. Sanitation in methods and shops of food producers.

#### IOWA.

This state gives district courts power to deal with parents and children when the latter are neglected, provides for acquisition of public utilities by cities, firemen's and policemen's pension fund, the removal of county attorneys, sheriffs, mayors and police officers by the district court for neglect of duty and other causes, establishes the rule of comparative negligence in railroad cases, prohibits drinking on railroad trains, limits saloons to one for every thousand of population, regulates hotels, appoints an inspector for the prevention of disease among bees, prohibits secret

fraternities in public schools, makes Lincoln's birthday a holiday, authorizes amendments of indictments to correct errors or omissions of form, provides for the parole of convicts, the destruction of noxious weeds, prohibits discrimination in purchase of dairy and poultry products or grain for the purpose of creating a monopoly, and prohibits the use of cigarettes by minors.

#### KANSAS.

An act providing for the guaranty of deposits in state banks.

This act requires each bank taking advantage of its provisions to deposit with the state treasurer bonds to the amount of \$500 in value, subject to the order of the state bank commissioner, and also cash to the amount of \$500 for every \$100,000 of deposits or fraction thereof. In addition to these sums, each bank must pay into a guarantee fund to be kept by the state treasurer, and subject to the order of the bank commissioner, one-twentieth of 1 per cent of its average deposits. In case of failure of any bank this fund is resorted to to meet any deficiency, after appropriating its assets to the payment of its liabilities.

An act prohibiting children under fourteen years of age from working in any factory or workshop not owned by their parent, and from working in any theater, packing house, elevators or mills; and prohibiting all persons under sixteen years of age from working before seven a. m. and later than six p. m., or more than eight hours a day.

An act providing for government of cities of the first class (over 15,000), and cities of the second class (over 2000), by a commission, at the election of the voters within the city (including women). When adopted the principle of the initiative and referendum may be enforced in the adoption of ordinances, and that of recall of its officers.

An act deterring the bringing of suits outside this state against persons living within the state.

This act provides in effect that where the owner of any matured claim for money due shall bring suit without this state by garnishment of the personal earnings of the defendant, and the original creditor and debtor were both residents of the state at

the time the debt was created, and are such residents at the time the suit is brought, and garnishment could have been had by bringing the action within the county where the debtor resides, the parties to the claim or party bringing such suit shall be charged with damages in the respects following: (a) A reasonable attorney's fee to defendant. (b) The reasonable expenses of the defendant and his witnesses in going into the foreign jurisdiction to defend. (c) Five dollars a day for each day actually spent by defendant in defending. (d) A reasonable attorney's fee in prosecuting any suit for damages therein provided for, if successful. (e) Such an amount as the defendant would have been entitled to have had released from garnishment, as exempt, had the suit been brought in this state. This act makes all holders of the original claim liable for damages unless they have, before suit is begun, in good faith assigned their interest in the claim, the burden of proof of which, if sued, is upon them.

An act to protect persons against fire in hotels and other public buildings by requiring the keepers thereof to provide sufficient fire escapes.

An act prohibiting the sale of intoxicating liquors of all kinds, including alcohol, for all purposes, and prohibiting the drinking of such liquors on railroad trains.

An act prohibiting the sale of cigarettes to any person, and prohibiting the use of tobacco in any form by minors.

An act requiring all persons who seek to influence legislation at the capital during a session of the Legislature, to register with the secretary of the state showing who their principals are, and the legislation they seek to influence. Acting without such registration is made a crime, punishable by fine and jail sentence, and disbarment from the work of legislative agents or counsel, as they are designated, for three years, and their principal may be fined in the sum of \$5000.

An act enforcing the sale of pure foods, and an act fixing weights and measures.

An act fixing maximum freight rates.

An act providing for good roads and for the supervision of roads by a state engineer.



An act creating the office of dairy commissioner, and giving him power to enforce the sale of pure butter, cheese, ice cream, etc.

An act for the protection of the people against tuberculosis. It in general provides for the report of cases of the disease by physicians to the proper health officer or board, and the taking of steps to prevent its spread or communication to others, by all necessary disinfecting, cleaning and renovating of premises, and the isolation of the diseased person.

An act for the suppression of tuberculosis in cattle.

The warehouse receipts act prepared by the Commission on Uniform State Laws of the American Bar Association.

A revised code of civil procedure. The main features of change in this code are those touching the uniting of actions, and appeals. Under the revised code two or more causes of action, whether they be legal or equitable, may be united without limitation excepting only they must affect all the parties to the action, except in case of the foreclosure of mortgage and other liens. The appeal is perfected by the serving of a notice of appeal on the adverse party, or his attorney of record, and filing a certified copy of it together with a certified copy of the entry of judgment with the clerk of the Supreme Court at any time within one year from the entry of the judgment. The evidence taken on the trial of a case becomes a part of the record, when translated by the official reporter and certified, and all documents and papers, written instruments and instructions are filed with the clerk and become a part of the record. The originals may be withdrawn and copies substituted. All reviews are by appeal, the writ of error being abolished, and appeals are tried on their merits.

An act requiring railroads and other common carriers to get permission of the state board of railroad commissioners to issue stocks and bonds before doing so.

An act providing for the dissolution of corporations that abuse their privileges, by district courts on application therefor by the attorney-general of the state, and for the winding up of their estate. This act also provides that the court may appoint a

receiver to take charge of the estate of the corporation, not only during the litigation, but generally, and conduct its business under the direction of the court until such time as the corporate management shall change its policy and conduct its business according to its chartered privileges, when the court may return the management of the business to the corporation.

#### MAINE.

Adopts a state flag, provides for the sanitation of dairies, makes mileage books absolutely transferable, makes provision for the prevention of tuberculosis, prohibits the sale of cigarettes to minors, regulates child labor, creates a state board of arbitration for the settlement of labor disputes, regulates optometry, protects forests against fires and makes appropriation for the protection of trees against insects.

#### MASSACHUSETTS.

*Municipal Government.*—Chapter 486. New charter for the city of Boston. This is the result of the report of a commission which for two years investigated the misgovernment of Boston, and recommended a new charter, which has been substantially adopted. Its general objects are to enable the citizens to know what is being done, and to fix responsibility.

The Legislature declined to force the commissioners' charter on the city, but gave the voters a choice of two plans; one, that recommended by the commissioners; and another, which is nearer the present charter. Both plans establish a permanent finance commission, with the right and authority of investigating and reporting, and with power to summon witnesses. Both plans place the government in the hands of the mayor and one council, the latter to pass regulations and authorize expenditures (usually with the approval of the mayor), the former to appoint heads of departments, not subject to confirmation of council, but subject to rejection for unfitness by the state civil service commission. The mayor may also remove heads of departments.

Plan two (the commissioners' plan) makes council of nine, and abolishes party nominations for mayor and council.

Plan one makes council of thirty-two and leaves untouched the system of party nominations.

Either charter is believed to be a step in the direction of good municipal government. The qualified referendum, giving the citizens a choice between two plans, is an interesting feature of the act.

Chapter 448. Charter of city of Taunton, with a mayor and one council of nine.

Chapter 372. Creates a finance commission to investigate conditions in Lynn.

Chapter 201. Amends the act requiring that copies of all contracts by cities or towns shall be filed and shall be open to public inspection, by making it apply also to allowances under and additions to such contracts.

*Regulation of Corporations.*—Chapter 519. Incorporating the Boston and Maine holding company. The New York, New Haven and Hartford Railroad Company is the principal railroad in New England, and forms almost the only rail connection with New York and the South. It leases and operates a large mileage in Massachusetts, but by its Connecticut charter a majority of its directors are required to be citizens of that state. It lately acquired a majority of the stock of the Boston and Maine, the other great system of New England, and wished to have the two merged. The political leaders did not wish to give so much power to one railroad which was substantially a foreign corporation, and after a year's consideration a solution suggested by the governor was agreed upon. A Massachusetts corporation, to hold the stock of the Boston and Maine, was created by charter under the Massachusetts laws. The New Haven will own the stock of this holding company, and will thus control the Boston and Maine through the holding company, but will also through the holding company be under the supervision of the state.

*Public Improvements.*—Chapter 481. The sum of \$100,000 annually is placed at the disposition of the harbor commission, to be used in improving rivers, harbors, tidewaters and foreshores, thus making it unnecessary to appeal to the Legislature when-

ever an improvement is needed, thereby saving much time and avoiding much log rolling.

*Taxation.*—In addition to the revision of the tax law above referred to, an amendment to the state constitution has been recommended, repealing the provision of the constitution which requires that taxation shall be proportional, and authorizing the Legislature to classify property in a reasonable manner for purposes of taxation. The object of this is to authorize legislation by which the rate of taxation on personal property may be less than the rate on real estate.

*Protection of Buyers and Members of the Public.*—Chapter 184. Requires the safe keeping of matches in stores.

Chapter 191. Notices of the price of bread and size of loaves must be posted in the stores where it is sold.

Chapter 199. Prohibits the sale of air guns to minors.

Chapter 301. Regulates the practice of dentistry.

Chapter 350. Regulates the size of blueberry baskets.

Chapter 375. Further restricts the sale of cocaine.

Chapter 405. Authorizes the appointment of milk inspectors by the boards of health, etc.

Chapter 423. Requires a license for selling ice cream, soda, etc.

Chapter 424. Regulates labeling and size of bundles of kindling wood.

Chapter 443. Requires licenses to deal in milk.

Chapter 526. Regulates the practice of osteopathy.

*Encouragement and Protection of Forestry.*—The efforts of President Roosevelt to awaken public sentiment in favor of preserving our natural resources may have had something to do with the passage of these laws:

Chapter 187. Exempts from taxation for ten years lands planted with white pine seedlings.

Chapter 212. Authorizes the collection and circulation of information in regard to opportunities for developing agricultural resources of the commonwealth.

Chapter 214. Authorizes the purchase by the state of land for forestry purposes.

Chapter 444. Creates a state nursery inspector and authorizes the destruction of infected trees.

*Amendments to Game Laws.*—These are very numerous, and are nearly all in the direction of greater protection for wild game.

Chapter 194. Protection of herring in Lynn harbor.

Chapters 263 and 325. Regulating licenses to hunt.

Chapter 265. Further protecting lobsters.

Chapter 272. Game birds.

Chapter 291. Prohibiting taking fish by means of torches or lights at night in certain waters.

Chapter 328. Increasing the penalty for the unlawful use of ferrets.

Chapter 377. Further protection for trout and salmon.

Chapter 396. Deer damaging crops may be shot.

Chapter 403. Protection of scollops.

Chapter 421. Further protection of wild fowl.

Chapter 422. Authorizing additional closed seasons by proclamation of the governor in times of drouth.

Chapter 466. Protection of hares and rabbits.

Chapter 469. Encouraging the planting of quahaugs.

Chapter 508. Further protection of beach birds.

*Pension Laws.*—The most important of these is Chapter 435, authorizing the Boston and Maine Railroad to adopt a pension system for its employes.

*Miscellaneous.*—Chapter 60. The United States flag and the flag of the commonwealth shall be displayed on the main or administration building of each of the public institutions of the commonwealth.

Chapter 145. Park commissioners may furnish band concerts.

Chapter 198. If land subject to mortgage is specifically devised, this shall be equivalent to devising the equity, and if the executors pay the mortgage note, they may sell the land and reimburse the estate.

Chapter 229. The United States flag shall be displayed on

school houses on pleasant days, and in the school houses on stormy days.

Chapter 363. If a defect in the ways, works or machinery of an employer of labor is reported and not remedied within a reasonable time, an injured employe shall not be held to have assumed the risk.

Chapter 394. Railroads are made liable to towns for the expense of extinguishing forest fires caused by them negligently or in violation of law.

Chapter 416. Commissioners to promote uniformity of legislation between different states may be appointed by the governor.

Chapter 534. New act in regard to the restriction of speed for automobiles and motor vehicles, making the law more reasonable and more effective.

#### MICHIGAN.

Provides for a department of labor, a bacteriologist, the examination of nurses, the practice of optometry, and takes precautions against tuberculosis and against the spread of disease among bees. The election laws are amended, and so is the law providing for indeterminate sentences. A new and comprehensive railroad law is adopted, and passenger fares are fixed at two cents per mile on first class railroads. A board of commissioners for uniformity of legislation is established. Saloons may not furnish to any person free of charge "any food except crackers and pretzels."

#### MINNESOTA.

Fixes maximum freight rates, and enacts a number of regulations as to operation of railroads. Restricts liquor licenses to one for every five hundred of population, prohibits the sale of cigarettes, prescribes form of policy for accident insurance, requires sanitary places of work, regulates the labor of women and children and levies a tax the proceeds of which are to be used to acquire lands for purposes of reforestation. A commission has been appointed to consider the matter of compulsory insurance of employes against accidents, etc.

## MISSOURI.

An amendment to the constitution provides for the initiative and referendum in legislation.

Laws provide for a bureau of dairying and for extension courses in agriculture under the direction of the State University. Columbus day, October 12, is made a holiday. Arbitration clauses in insurance policies are in effect nullified. Railroad employes are to be paid on or before the fifteenth of each month after the month in which the services are rendered. The judges of the Kansas City Court of Appeals are appointed commissioners to prepare syllabi of their opinions, and for this service they are to receive one thousand dollars per annum. A third Court of Appeals is established at Springfield. Juvenile courts are provided for all counties having a population above fifty thousand. Divorce advertisements are prohibited. A pure food law is adopted. Also a comprehensive law for collecting and preserving vital statistics. Inn-keepers are regulated for purposes of sanitation. The subject of education is dealt with at great length.

## MONTANA.

Provides for non-partisan judicial nominations, makes holidays of Lincoln's and Columbus' birthdays, prohibits rebating and discrimination by life insurance companies, takes measures against tuberculosis and other communicable diseases, makes operators of coal mines liable to employes in cases of total disability, regardless of the question of negligence, and, after a fashion, prohibits trust and monopolies.

## NEBRASKA.

Establishes a compulsory system of guaranty of bank deposits, imposes an occupation tax upon corporations, secures "a more certain selection of the people's choice for United States Senators," enacts a pure food law, regulates hotels as to sanitation, prohibits the sale of liquor on Sunday and between the hours of eight p. m. and seven a. m. on any week day. Provision is made for the care of indigent consumptives. Railroad companies are

penalized for delay in settlement of claims, and provision is made for the physical valuation of all railroad properties. One act looks to the abolition of secret fraternities in the public schools. The Uniform Warehouse Receipts Bill was adopted.

#### NEVADA.

Regulates the business of the embalmer, prescribes eight hours as a day's work in mines and plaster and cement works, makes it unlawful for employers to receive or demand any consideration for hiring or retaining employes, establishes a parole system for prisoners, provides for the care of dependent, neglected and delinquent children, endeavors to suppress "wild cat" mining promotions, enacts an elaborate banking law, provides for nominations by primaries instead of by conventions and prohibits faro and other forms of gambling, this last act not to take effect until October 1, 1910.

#### NEW HAMPSHIRE.

Enacts a direct primary nomination law, establishes a forestry commission, appropriates a million dollars for the improvement of three main highways, requires the registration of legislative counsel, adopts a state flag, enacts the negotiable instrument law of the American Bar Association, establishes dispensaries for the detection and treatment of tuberculosis and provides for the indeterminate sentence and parole of prisoners.

#### NEW JERSEY.

Makes Columbus' birthday a holiday, requires seats for female employes in shops and stores, extends the liability of the employer for the death of employes, empowers cities to establish and maintain plants for the treatment of sewage, protects its oyster beds from pollution, provides for art, science and industrial museums in cities, forbids rebating in life insurance, appoints a commission on uniform legislation, provides for sanitary conditions in the preparation of foods, establishes a board of protectors for "the prevention of drunkenness" and prohibits saloon-keepers from displaying on their signs the particular brands of liquors they dispense.



## NEW MEXICO.

Adopts the Uniform Warehouse Receipts Bill, attempts the repression of contagious diseases among live stock, authorizes holding companies, enacts the bulk sales law, the indeterminate sentence and parole, regulates embalmers, prohibits women from loitering about saloons and creates a conservation commission for natural resources.

## NEW YORK.

The most important work was the revision of the general laws. This is commended by the member of the General Council as "the best piece of work of the sort since the Revised Statutes of 1828," the credit for which is largely due to Mr. F. E. Wadhams, who was a member of the commission.

## NORTH CAROLINA.

There are acts for the protection of forests and to promote the cultivation of oysters, regulating the sale of feedstuffs and the packing and sale of fish, for the appointment of inspectors of electric, gas and water meters, requiring seats for female employes, prohibiting blacklisting, against the evasion of the exemption laws of the state, regulating the practice of optometry and providing for the free treatment of indigent persons having diphtheria.

## NORTH DAKOTA.

Authorizes the issuance of bonds and warrants to secure seed grain for needy farmers, establishes a public tuberculosis sanitarium, fixes the capital of the state at Bismarck, prohibits the sale of cigarettes to minors, prohibits the solicitation of orders for intoxicating liquors and also advertisements of liquor, provides for the sanitation of hotels, for a twine plant at the penitentiary and the payment of a small sum for over-time to convicts, regulates child labor, enacts a pure seed law, authorizes cities to fix the rates for gas, provides for a non-partisan judiciary and for a legislative reference department.

## OHIO.

There was a special session of the Legislature. The most noteworthy acts were those providing for the medical inspection of schools and regulations of the liquor traffic.

## OKLAHOMA.

Passed the uniform negotiable instrument bill, a child labor law and a law making eight hours a day's labor on all public works, and established a juvenile court.

## PORTO RICO.

Provides for agricultural education, for the suppression of tropical anemia or uncinariasis, for the admission to the practice of the law, for the settlement of certain suits with the Roman Catholic Church, for high school grade instruction in commercial subjects, for a system of irrigation, for the sale or lease of swamp lands, for a bureau of criminal and judicial statistics and for the care of tuberculosis patients.

## OREGON.

Defines and prohibits corrupt practices at elections, subjects the salaries of public officers to garnishment, provides for sanitation in hotels, regulates the sale of feedstuffs, co-operates with the national commission in the conservation of natural resources, establishes state sanatoria for tuberculosis, extends the ten-hour law affecting female employes to telegraph, telephone, express and transportation service, establishes an insurance department, regulates the insurance business and regulates the use of the public waters of the state.

## PENNSYLVANIA.

Creates a legislative reference bureau; provides that opinions on religious matters shall not affect the competency or credibility of witnesses; for adult probation and the indeterminate sentence; that no money shall be paid out of the state treasury except under authority of an act in which not only the purpose but the amount

to be expended shall be specified; that the receiver of an insurance company or financial corporation appointed at the instance of the state commissioner shall supersede any previously appointed receiver, assignee or trustee; and that counties may appropriate public monies for the support of law libraries. A number of acts were passed relating to public health and to the purity of foods and drinks, and a child labor law was enacted which is highly commended by the president of the State Bar Association.

#### RHODE ISLAND.

Limits the hours of labor for children and women in manufacturing and mechanical establishments to fifty-six hours in any one week; passed the bulk sales bill; provides for commissioners on uniformity of legislation and conservation of natural resources; provides for a survey of the natural resources of the state; undertakes to prevent hazing; and submits to vote a proposed amendment to the constitution giving to the governor the power of veto.

#### SOUTH CAROLINA.

Requires electric railway companies to equip cars with closed vestibules in the winter time to protect motormen, establishes a board of commissioners on uniformity of legislation, regulates the manufacture and sale of commercial fertilizers, makes it a misdemeanor to publish the name of any victim of rape or assault with intent to commit rape, and provides that in prosecution for rape and assault with intent to ravish the evidence of the woman may be taken by deposition, the accused being present and having the same rights as if the witness were examined in court, prohibits unfair commercial discrimination between different sections of the state, and unfair competition by selling goods in one locality at a low price to destroy business of competitors, makes it a misdemeanor to solicit orders for liquor and requires banks to accumulate a 25 per cent reserve.

## SOUTH DAKOTA.

Prescribes a maximum of two cents per mile for passenger fares; penalizes railroad companies for delay in adjusting claims; places telephone companies under the jurisdiction of the railroad commissioners; provides for actions for injury by wrongful death and fixes the maximum of recovery at ten thousand dollars; ordains standard forms of fire and life insurance policies; prohibits trusts and monopolies; provides for primary elections; establishes a live stock sanitary board; distributes hog cholera serum; takes measures to prevent the spread of disease among sheep and "foul brood" among bees; enacts pure food and pure drug laws; regulates hotels; provides for the planting and care of forest trees, and the inspection of nurseries and imported trees to prevent the introduction and spread of injurious insects; allows an indeterminate sentence in some cases of first offense; and permits a portion of a convict's earnings to be devoted to the support of his dependent family.

## TENNESSEE.

Has enacted a number of laws the effect of which is state-wide prohibition, established a board of commissioners on uniformity of legislation, provided for primary nominations for all offices except those of judges and attorneys-general, regulated embalmers, created a library commission, passed a general educational bill and appropriated to its purposes 25 per cent of the gross revenues of the state, regulated the sale of agricultural seeds, provided against the spread of disease among cattle, regulated fire insurance, punished false statements on packages of merchandise as to weight or measure and provided that persons shall not be disqualified as jurors because of opinions based on newspaper reports or rumors.

## TEXAS.

Has made various provisions for educational purposes. It has established a library commission and provided for instruction in manual training, domestic science and agriculture. It has created a board of public health, authorized the establishment

of a home for lepers, enacted pure food laws, regulated the practice of nursing and provided for the inspection of plumbing. It has provided for prospecting its mineral resources, and for agricultural experiment stations, and for the protection of plants, shrubs and trees against disease. There are a number of laws regulating railroad operation, among them one prohibiting more than sixteen hours consecutive service in the operation of trains. Blacklisting is forbidden, and penalties are imposed for delays in adjusting claims. The law of comparative negligence is also adopted in railroad cases. The liquor laws are made more rigorous, and various forms of gambling, including betting on horse races, are prohibited. The "bulk sales" bill was enacted into law. It also provides for the guaranty of bank deposits by either giving a bond or contributing to a deposit fund.

#### UTAH.

The State Board of Land Commissioners are authorized to conduct experiments in sinking wells for culinary and domestic purposes on arid land. The right of eminent domain is extended to sites for mills, smelters and other works for the reduction of ores. It is a misdemeanor for a superintendent, foreman or boss to receive any valuable consideration for employing a person or continuing him in employ. The portrait of a person may not without his consent be used for advertising purposes. Irrigation districts are authorized. A dairy and food bureau is created with power to enforce sanitary measures. A commission for the conservation of natural resources is created, and provision is made for protection against disease among live stock.

#### VERMONT.

Creates a state board of agriculture and forestry, and provides for the inspection of nursery stock brought into the state. It has improved and extended its educational system, made a beginning in manual training schools and provided for the better enforcement of the child labor law. Further help is granted to town libraries. Appropriates seventy-five thousand dollars a year

for permanent highways. The adjustment of fire insurance losses is simplified. A public service commission is created to which any person aggrieved by a public-service company may appeal. Cities and towns are given power to compel a pure milk supply. Precautions are taken against the spread of tuberculosis. The act to regulate the practice of medicine and surgery was amended to make it more effective against charlatans, but it does not apply "to persons who merely practice the religious tenets of their church without pretending a knowledge of medicine or surgery."

#### WASHINGTON.

The judges of the superior and supreme courts are to wear gowns of black silk when in session. Nominations for judicial office are to be made at party conventions. Trial judges must reduce their charges to writing, and read them to the jury before argument by counsel. Telegraph and telephone companies are subjected to the jurisdiction of the railroad commission. A local option law was enacted, and one giving cities and towns the power to condemn, purchase and operate street railways. The selling, giving away or having in possession a cigarette is made a crime.

#### WEST VIRGINIA.

Establishes a department of public roads; creates a non-partisan board for the control of public institutions, empowers the United States to acquire land in the state by purchase or condemnation for a national forest reserve; regulates the practice of optometry; makes Lincoln's birthday a holiday; prohibits the sale of merchandise in bulk in fraud of creditors; and establishes a home for the children who may be surrendered to the care or committed to the custody of the West Virginia Humane Society.

#### WISCONSIN.

Has enacted a number of laws regulating the operation of railroads. Discrimination in premiums on insurance policies is prohibited. There are a variety of enactments relating to sanitation

and pure foods. Regulations of child labor are extended to boot-blacks and to boys and girls selling newspapers in the streets. A day's labor on public work is fixed at eight hours. Tenement, apartment and lodging houses are regulated as to construction in great detail. Provision is made for the care of neglected animals. Art commissions are established in cities of the first class. No judgment in a civil or criminal case may be reversed for any misdirection of the jury, improper admission of evidence or for error as to any matter of pleading or procedure unless in the opinion of the appellate court it shall appear, after an examination of the entire action or proceeding, that the error complained of has affected the substantial rights of the party complaining.

#### WYOMING.

The grant of liquor licenses outside of cities and towns was prohibited and the amount of the license was increased from three hundred dollars to one thousand dollars. A day's work in mines and smelters was fixed at eight hours. A corrupt practices act was passed. Commissioners are appointed to deal with contagious diseases among sheep. The office of commissioner of taxation was established. He is to be an expert in matters of taxation, and is to have general supervision over the administration of all assessment and tax laws. Indefinite terms of sentence and the parole of prisoners was provided for. Persons divorced may not remarry, except each other, for a period of one year; violation of this act is a misdemeanor. The desertion by a man of his wife and children without making provision for their care is made a felony. He may at any time, however, before sentence, give bond to make proper provision, and sentence is then suspended. The salaries of public officers are subjected to garnishment. Provision is made for the examination and registration of trained nurses.

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## THE PEOPLE AND THEIR LAW.

ANNUAL ADDRESS BY  
AUGUSTUS E. WILLSON,  
GOVERNOR OF KENTUCKY.

I bring you earnest greetings, from my heart, as a citizen and fellow lawyer. While I have taken a service, strictly legal but not strictly professional, for a term of four years, I hold fast to the hope of coming back at the end of that work to my chosen life-work of a lawyer. I hold in high honor the character of the membership of this national Association, and the splendid public spirit and wise and noble usefulness which have, throughout its whole history, inspired its work and its words. It has never been a work for display, but always and solely for the public good. You have upheld what is good, you have secured for your country many changes for the better, you have worked steadfastly, wisely and faithfully for many things not yet achieved, and the future of this Association is rich in promise of continued benefits from its earnest purposes and its strong, practical common sense. I thank the Association and its officers for the generous kindness, which came to me as a great surprise, in the honor of the invitation to deliver the annual address. My best wish, I cannot call it my hope, is that my part in this meeting shall be in the spirit of your good and great work for our country.

I believed that your committee thought of me for this address because it was my lot to have had a part in events which have serious bearing upon the future of our liberties and welfare, and in that belief, I chose as the subject of this address, "The People and Their Law."

In *Crowley vs. Christensen*, the Supreme Court declared:

"The possession and enjoyment of all rights are subject to such conditions as may be deemed by the governing authority of the country essential to the safety, health, peace, good order and



morals of the community. Even liberty itself, the greatest of all rights, is not unrestricted license to act according to one's own will. It is only freedom from restraint under conditions essential to the equal enjoyment of the same right by others. It is then liberty regulated by law."

Robinson Crusoe, on his lonely island, was not forced to obey the will or rule of any other man or men, but his exile, deprived of all the blessings of living with his kind, was not liberty but wretched slavery. The instinct of man to live with his fellows is subject to the condition that each shall do his part of the work which is necessary for the life, comfort and happiness of all.

Perhaps you are curious to learn what useful knowledge on the People's Law I think can come out of Kentucky. We may, doubtless, easily agree that most of you are thinking that Kentucky needs to consider seriously the duty of upholding the power and the righteousness of the People's Law. But I should not be true to my people if I did not stand firm against admitting, much less assuming, any such premise. On the contrary, let me declare that nowhere in the world is there a truer, stronger, more intense devotion to law than in Kentucky. It is our heritage, birthright, pride and joy, and prized as the very fortress and heart of our liberty. I shall use my time in a homely, matter of fact talk on the subject from the Kentucky standpoint, because that will, I believe, be the most useful point of view for our whole country.

Kentucky, like Tennessee, settled originally by men of English, Scotch and Irish origin, and for generations, in great part, widely removed from the great thoroughfares of immigration, has had from the first, and still has, less foreign immigration and admixture—and that more completely assimilated, and more truly "straight American"—than any other state. We can tell best from Kentucky, I believe, what the real American will do about the People's Law, in the long run.

Speaking a few days ago to several hundred youthful prisoners in the Kentucky Reform School, I said that they were kept prisoners because they would not play the game according to the rules, and that the people could no more get along or live with their neighbors without rules, than baseball could be played with-

out them, and that all of the rules and all of the things we do to enforce them, grew out of the fact that without them there would be no liberty, safety, pleasure or interest in life in community.

The government stands on the faith that we are all free and equal before the law; that every one has a fair start in the race of life, so far as the law goes; that, as Abraham Lincoln said in 1858, answering Mr. Douglas, each individual is naturally entitled to do as he pleases with himself and the fruit of his labor, so far as it interferes with no other man's rights.

The pioneer men and women who left home and kin and traveled the wilderness road over the Alleghanies and Cumberland Mountains from the mountains of Virginia and North Carolina and the hills of Maryland, and came down into the deep woods of the dark and bloody ground of Kentucky, occupied by fierce savages, won a place in the history of mankind, which, perhaps, no other people ever gained.

It was a breed hard to head off and good to have on your side. I opened at random the early pages of a history and put down every name I came to for several pages, and this is the way they read: Clarke, Boone, Bullitt, Helm, Hardin, Knox, Harlan, McAfee, Marshall, Douglas, Floyd, Preston, Breckinridge, Shelby, Smith, Logan, Galloway, Lincoln, Patterson, Lindsey, Linn, Estill, McDowell, Wilkinson, Brodhead, Murray, Allen, Caldwell, Pope, Garrard, Boyle, Daviess, Rowan, Johnson and other names—all of British origin.

As soon as Virginia gained her independence in 1776, she established the county of Kentucky and a county court with law and equity jurisdiction, which began at Harrodsburg in 1777. In 1780, Kentucky was divided into three counties, and in 1783 the district court was established for Kentucky and met at Harrodsburg, and because there was no house there to accommodate the court conveniently, it was opened at a meeting-house six miles from Harrodsburg. The attorney-general and the clerk were directed to "fix" on some safe place near Crows Station, close to the town of Danville, for holding the court, and to procure a log house to be built large enough to accommodate the court in one end and two juries in the other.

In 1774, a convention adopted a resolution "in favor of an act to render Kentucky independent of Virginia," and recommended "that the election of deputies for the proposed convention ought to be on the principle of equal representation." Butler's history states that the representation of Virginia was formed on the territorial principle, in disregard of population, and adds that:

"The decorum of the public proceedings of this assembly, as well as that of the conduct of the attending citizens, are particularly remarked," and that "this early and unanimous indication of the democratic or popular spirit, in one of the earliest public assemblies of Kentucky, is a faithful key to her political complexion."

The convention adopted a petition to the legislature of Virginia and an address to the people of Kentucky "in a style of dignity and ornament yet unprecedented in the history of Kentucky." The legislature of Virginia received the petition and provided for an election to determine whether Kentucky should be independent.

The historian again bears witness to the character of his people:

"Thus, then, had the people of the district been tantalized from December, 1774, to January, 1779. It is, indeed, a high and honorable proof of political order and subordination in Kentucky, that so impetuous a people, should, under such circumstances of irritation and disappointment, have preserved the peace of the state; and this . . . in defiance of such repeated mockery of their expectations."

This story shows that while the Kentuckians of the early days were pioneers—daring, fearless, strong, hardy, able to stand work, hardships and privations, ready to face any task or danger in clearing forests, breaking up and working the soil, fighting the English in the open or the savage in ambush—they understood clearly the value and power of combination, organization, discipline and obedience, and carried with them the instinct for establishing laws and courts, and were typical, native American citizens, fit to found a state, to obey and to rule.

From the camps in the woods to the stockades and final settlements, they carried the People's Law with them and planted a

court as soon as they had planted corn, and the Kentuckians of today are of the same breed, with the same traits and the same devotion to the law of the people, the same hard-headed, self-willed and rugged citizens that their pioneer ancestors were.

Professor Shaler, in his "Nature and Men in America," states, from the measurements of 250,000 soldiers, that in the war between the states, Kentucky and Tennessee furnished about the best developed native soldiers of the federal army, and deems this very important because the white population of this district derived almost all its blood from Britain, nearly in equal measure from the Scots and English, and because it has been longer upon the soil than perhaps any other part of the American English. He declares that the admirable development of these soldiers has completely proved that two centuries of Americanizing has not debilitated the race. The combatants fought more for ideals than men generally do. The soldiers born upon the soil generally carried the civic sense, the order of peaceful society, with them in march and battle. Good nature and sympathy were written on their banners. The issue of the combat, the perfect accord and loving humor, which now mark those who met on battlefields, show this in the clearest possible manner. He concludes, "We may dismiss the fear that our race is to deteriorate in our country."

I have been interested in this passage because it makes it clear that, with all our reverence for the desperate courage of our pioneer ancestors, the stock has not run down, but is just as hardy and "game" as it ever was, with the same genius for organization and the same loyalty to law and order.

The real test of strength of the law and order sentiment of a community is not in the acquiescence of a mild-mannered race, but it is when strong, hard-headed, determined people with their feelings and passions excited so that disorders result, finally put down their revolt and restore order and safety. From the earliest times, our race has never been either timid or easy-going. It has always been strong, determined, earnest, hard-headed and fearless, and it has been the rule and not the exception for every man to fight against what he believed to be wrong. There

are many common instances of what any typical American will resent with violence, regardless of law. He rarely sues out a peace warrant against a man who calls him a liar. Generally, our people have continued an even, steady march, holding strongly to the law; but it is inevitable that such a people, from time to time, should have storms of excitement and passion, local outbreaks and times of lawlessness.

The Ku Klux had a large membership in Kentucky, and, for a time, established a reign of terror, making many afraid, and it deprived people of their liberty and of the protection of the law; but Kentucky soon made it a felony for any two or more men to band or confederate together to threaten or intimidate any person or injure his property. Later, the organized toll-gate raiders stopped the collection of tolls, and destroyed large investments in turnpikes. The feuds in some counties are not strange in a race which for generations kept up the feuds of the Orangemen and Catholics, and the Scotch and English. But there is strong evidence of the Kentuckian's devotion to law and order in the frequency of the verdicts of mountain juries, inflicting punishment for taking life whenever they have a chance.

The tobacco war in Kentucky was one of the most dangerous disorders that Kentucky has known. I shall review briefly some of its principal incidents.

In a message to the legislature in January, 1908, I said:

"Throughout most of the year, law and order, peace and good will have prevailed throughout the Commonwealth . . . . The pleasure which this peaceful and prosperous condition brings to the hearts of all good Kentuckians makes it all the more painful for the Governor to speak of the renewal of serious lawlessness and disorder in parts of the Commonwealth, which have lately broken our record of peace and order, alarmed and distressed our people, destroyed millions of dollars of values of property . . . ., injured the good name of our Commonwealth and caused alarm for the security of life and property, and the protection of our liberties, dearer than life or property, the news of which, carried to the ends of the earth, will drive customers from our markets, turn desirable immigration to other states, and plant anew in the breasts of thousands of law-abiding men and women, who love peace and dread lawlessness and disorder, the wish to move to states where the law protects all alike.

"We have severe laws against trusts, ample to suppress and punish all combinations against the farmer, and we have a statute which makes it lawful for farmers to pool and combine against the buyers, when it is unlawful for them to combine against the farmer. Our courts are in operation to protect the rights of all and punish infractions of the anti-trust laws. This great conflict of interest between the parties interested in millions of dollars' worth of tobacco, has excited a great deal of hard feeling, angry controversy and personal threats of parties on either side against the other, . . . and finally these proceedings have culminated in raids of large armed bands going around by night and destroying the peace and security of the Commonwealth, and the partisanship in these matters has paralyzed some of the courts and officers, and the grand juries and petit juries, so that the grossest violations of the law go unpunished and the people's liberties are destroyed, with little hope of redress. . . .

"In December, 1905, in Todd County, in the circuit court room, packed by excited men, a lawyer declared that if they did violate the law they ought not to be punished, and would not be prosecuted while he was Commonwealth's attorney, and the very next night, one tobacco factory was burned and another set on fire, and the following Monday night a large band of armed and masked men held up a railroad train and searched it for tobacco and dynamited a snuff factory, and although the circuit court was in session, with a grand jury empaneled, no one was indicted or punished.

"Early in 1907, men behind these schemes formed, for the first time, a general organization in sufficient numbers to intimidate all not similarly organized, and early in the year a large armed band of masked night riders made a very ugly sample of the old country's border raids on the town of Princeton. Later there were other disturbances, and finally it culminated in the raid on Hopkinsville, about two o'clock on the morning of December 7, by a small army of several hundred mounted men, armed and masked, who, under the cover of darkness, without warning, fell upon the city and overwhelmed and intimidated the people of a whole city. Their deeds in Hopkinsville are known of all men and have done incalculable harm and brought great shame upon the Commonwealth, but not one has yet been punished, and for the time, there was almost paralysis in business.

"A similar raid of armed and masked men was made on the large town of Russellville, and it was seized, much valuable property burned and people shot and wounded and a whole region again intimidated. In Bracken County, there has been a state of terror, oppression and intimidation for weeks.

"In large districts the people are deprived of the protection of the law. Lawless men have been constantly ready to break out in several counties, and the people of Kentucky are brought suddenly and squarely to face the question, whether the laws of more than two million, or the violence of a few hundred, shall prevail.

"There can be no doubt of the final result. Anglo-Saxon common sense and law always win in time. Our people had better lose not only part of the value of their tobacco, but even their farms, than their liberties, and, presently, there will be a great reaction in public opinion. Judges and prosecuting attorneys, who fail in the critical moment, will have to answer for their neglect of duty, and finally everything will straighten out; many who are most guilty will go to the penitentiary, and the rule of law and order will be resumed everywhere. The Executive will faithfully uphold the law, but it is the people's law and its strength is in the support of the people for their own laws."

The message advised the enactment of a law for change of venue, in the investigations of such crimes, from the seat of trouble to other counties, so that local violence would not hinder indictments and verdicts, but the general assembly took no action.

The armed men who raided Hopkinsville, after shooting up the town and terrorizing citizens, burned property valued at \$200,000. A great deal of ability, time, money and work were surely necessary to get this regiment of men from different counties so well organized, drilled and trained, and there can be no doubt that the work was done and money furnished by the tobacco associations.

One of the judges of the court of appeals suggested inviting the tobacco growers and buyers to a conference at the Governor's office to inquire into the cause of the disorders. He was asked to write out an invitation to meet with the Governor and it was prepared by him and issued. Some two hundred tobacco growers, a trust representative, and a few tobacco buyers attended. The Governor, in opening the meeting, said that all sides should be heard; that he was neither a tobacco grower nor buyer, and that his only interest was to preserve the peace; that no one disputed the fact nor could question that the night riders were guilty of the felony denounced by the Ku Klux law and of the felonies of



arson and assault with intent to kill, and that they were cowards and criminals, and he added :

“I have invited no law-breaker to this conference. I will have no conference with him. For him there is the law, nothing less and nothing more. The law of two million people cannot be defied by five hundred or five thousand or fifty thousand men. It must be obeyed. It does not request; it commands, and will enforce obedience. The poorest man, single and alone, may demand the whole power of the Commonwealth if necessary to protect his constitutional rights. The law must be enforced. I believe the people will stand by the law, for the strength of the law is the people, and the strength of the people is the law.”

The justice, a very popular and attractive man, spoke of the law and the duty of the people, but towards the end of his address said :

“Governor Willson is the Governor of the people, but as Governor, he cannot execute a single law without the people. The greatest power in the land is in the jury box. The Governor and all the Commonwealth have not the power of twelve men on a jury.

“You had better burn every barn in the Commonwealth than, with uplifted hand, in the jury box, profane your duties and render an unjust verdict in the name of the law. The people of Kentucky have it in their power to exclude from the Commonwealth any company, concern or combination that seeks to control prices against them. In fact, they have the power to make fines like that with which the Standard Oil Company was visited, look like the proverbial thirty cents.”

And then he added :

“I do not believe in soldiers, but I endorse every word uttered by the Governor about upholding the dignity and supremacy of the law. But I have never seen the time when you could push an idea through an Anglo-Saxon's head with a bayonet.”

At this, the suppressed excitement broke out in wild applause. This speech was a profound surprise to me, and if it had been left unanswered, there would have been an outbreak of crime and violence in a dozen counties within twenty-four hours. I use the newspaper report of my reply :

“The moment he concluded, Governor Willson rose and hardly waiting for the applause to end, began a reply in which he objected vigorously to the statements in regard to the soldiers



and scored the growers for cheering such sentiments. 'Why do you cheer, when it is said that soldiers should not have been sent to Hopkinsville? Do you recall that two weeks ago, armed and masked criminals rode into Hopkinsville, shot into innocent homes and burned up property, and that up to this day, not a man has been arrested? The law of the state must and will be supreme. These soldier boys are Anglo-Saxon too. I am an Anglo-Saxon myself, and so are you, and I know that down in your hearts you want the law enforced. If necessary, we will call on every one of you to shoulder a musket and help enforce it, and you will comply, and it is wrong for other sentiments to be expressed and for the high judges of the state to advise anything else.

"'Every outbreak decreases the value of every acre of land in Kentucky and endangers the liberty of every man who is cheering these utterances, and unless suppressed, the state will be abhorred as a place unfit to live in. The liberty of the people is worth more than all the tobacco that ever was or ever will be raised in Kentucky. Sometimes the only way to force the idea of law and order through an obstinate Anglo-Saxon's head is by the bayonet. The soldiers were necessary and had been called for by the county officers and great numbers of people who had reason for their fears, and all the troops needed will be ordered on duty whenever and wherever needed if I have to call out the reserve and bankrupt the state treasury. When an Anglo-Saxon takes up arms against the people's law, the arms of the law will put him down. Violence and intimidation, night riders and so-called "peaceful armies" will be suppressed relentlessly, and all the power of the state government will be used to do it.'"

The representative of the tobacco company, the chief buyer, made a short address, which gave promise of an understanding being reached between the rival interests, and committees were appointed, and the negotiations brought on by this meeting finally ended in a settlement in which the tobacco trust and the growers' pools—the two trusts—agreed on a very good price for the pooled tobacco, to their mutual satisfaction. Such a sale of the pooled tobacco would in my judgment never have been made, but for the conference. There would have been strife, bitterness and violence, which would have ended all chance of agreement upon good prices. But the result has not helped the cause of liberty or law and order; indeed it has strengthened the hands of the two combinations, the tobacco trust and the

farmers' pool, and the independent buyers and the independent growers, who had not already sold, have the "bag to hold." The conference thanked the Governor, and

*"Resolved, further, That this meeting of Kentuckians heartily endorses the purpose of Governor Willson to discover and punish the perpetrators of the recent outrages in Western Kentucky and especially at Hopkinsville; and we do with all possible earnestness condemn those and similar outrages . . . . and hereby pledge to Governor Willson every assistance at our command, including the power and influence of the organizations which we respectively here represent, in his efforts not only to restore, but to permanently maintain peace and good order throughout Kentucky."*

This resolution of the meeting, composed almost wholly of tobacco farmers, following so quickly the rebuke of the fierce applause of the speech against the use of troops to put down the armed attacks on the peaceful people, was very gratifying proof of the justice of the Governor's confidence in the devotion of the people of Kentucky to the law.

Not less effective than the troops was the organization in several counties of law and order leagues, and finally a state league, enrolling a very large number of fearless and determined men, who were organized into companies and money was subscribed to pay all of the expenses. These leagues helped patrol the roads and guarded their neighbors. There were also many instances of individual heroic defense of homes and property by men and even by women against the night riders. For months, hundreds of homes were guarded by their families who kept night watches under arms. The dangers were often as great and the anxieties as thrilling as those which the pioneers had to endure from the Indians.

Then followed many acts of oppression: plant bed scraping, barn burning, burning railroad stations, threatening, whipping and beating white citizens and destroying property in different parts of the state by organized bands. On the application of citizens who were in danger, small detachments of soldiers were sent to several counties, and shipments of state guns and ammunition were made to responsible parties in a great many places, and detachments were on duty with gatling guns at Hopkinsville and

Lexington. Five hundred dollars, the largest reward authorized, was offered for the conviction of each of the men guilty of the raids and intimidation in all of the troubled counties, and to every man who should give advance information of contemplated raids.

A succession of outrages, forcible seizures of tobacco and whipping more than fifty white men, went on for months in Bracken county. Tobacco buyers were whipped by night riders in Lyon county at the town of Kuttawa, and many people sold their property and left the state; the newspapers reported that fifty moved to Texas in a single day. The disorders in western Kentucky continued, and further detachments of militia were sent there.

Two hundred masked men seized on the town of Dycusburg. Two men and a woman were beaten and a tobacco warehouse and a distillery burned. This outrage was very brutal in its character. The raiders left their horses at the edge of the town, and after cutting the telephone wires, began to shoot up the town. It is estimated that about two thousand shots were fired. The first victim was unmercifully whipped with thorn switches. They then fired into a family home, dragged the owner out and whipped him until he begged for mercy, and when his wife tried to rescue him, she was beaten.

In Nicholas county, Hiram Hedges, a poor farmer, was called to his door and murdered in cold blood before the eyes of his wife and children, by a band of night riders. Hedges, before he was shot, threw himself on the mercy of the men, and promised to comply with their wishes and dig up his plant beds if they would leave his home, but they paid no attention and shot him to death. Two men identified by the widow were arrested and released on examination by a county judge.

Farmers all over the state were warned not to raise a crop in 1908. At Paducah, the circuit judge, who acted with great courage and vigor throughout all of these troubled times and impaneled a grand jury to investigate the raids in Marshall county, received long distance telephone threats of violence.

A company of mounted infantry was put on duty as a night

patrol of the roads in the counties of Mason, Bracken, Harrison, Grant and Owen.

There is not time to detail the many wrongs done. Through all the story of violence it was plain that every crime was part of a plan to make all tobacco growers afraid not to pledge their crops to the association.

It is of some interest to record the night rider oath, which was in these words:

"I, — — —, in the presence of Almighty God and these witnesses, do solemnly promise and swear to become a member of this order. If I should betray this order in any way by signs, acts or writing or cause to be revealed the secrets of this order, I shall have to submit to the penalty which is put upon me, which is death. I solemnly promise and swear that I will obey all orders which may be given me, and I will go at any time they may call upon me unless I or my family are sick."

A member of the band testified that he went with the night riders to the homes of various men who were forced to come out and take this oath of membership on their knees.

During these occurrences, the Governor was receiving from men and women all over the state the most earnest and touching appeals for help and protection against the night rider outrages, threats and crimes. I quote from a letter from one lady, which is a fair sample of many:

"But I feel like this terrible mental strain on account of threats and also actions from what is called night riders, I cannot endure much longer. When we lie down at night we do not know whether it is for the last time or whether all our property will be destroyed before morning. My husband has had a written notice that his house and barns would be burned and his hide split, and last Friday night, his old blind mother, 84 years old, had all of her tobacco destroyed by them, and last summer they would not let her wheat be threshed, and notified the man that did thresh it, that they would blow up his machine with dynamite, if he went into her field, until it was nearly ruined. The torture that the poor country people are suffering is worse than death. What can you do for us? . . . . It seems to me half the people of Kentucky will be crazy before July and so much property destroyed."

The Governor is, by law, authorized only to employ two de-

tectives and to expend not exceeding three thousand dollars in any year for investigations; this was entirely inadequate for investigating a state-wide conspiracy like this. A very serious hindrance to the state administration in putting down these disorders was due to the fact that some members of the general assembly were in sympathy with the lawlessness. There was an opposition majority in both houses, and part of the general assembly was opposed to law and order measures.

During all of this time, it had been impossible, generally, to secure any indictment by a grand jury against the night riders in any but two or three of the counties where a brave circuit judge used all the power of his great office to suppress lawlessness, as in Calloway, where fifty-two were indicted, while other officers, professing virtuous sentiments, connived at packing the juries with night riders, so that the trials in some courts, where men were plainly guilty, were farces.

For nearly a year the militia—mounted infantry—patrolled large districts of the state. It was hard service: detachments riding long, hard rides every night, through the winter and inclement spring, lonely all night patrols through hostile neighborhoods. And then the state law and order league, by resolution, demanded that the Governor should call out the whole militia force of the state and post men in every county, and reproached him for not taking more active measures.

The whole force of militiamen on guard in the state never exceeded three hundred soldiers, whose patrols covered many counties and many thousands of square miles and thousands of miles of roads. They were at all times under strict orders not to parley or compromise with the lawless in any way, but to attack them instantly wherever they found them in masked bands, taking every care to be certain that they were night riders, so that no innocent persons should be attacked. The lawless men, ordinarily brave enough to fight their numbers or more than their numbers, became panic stricken at the idea of being killed in masks, and, even in large bodies, they would not venture to ride the roads patrolled by a squad of only two or three militiamen.

Nothing could more forcibly illustrate the power of the senti-

ment of the people for law and order than the panic which overcame the lawless bands in the face of the power of the state, when three hundred militiamen absolutely held back and drove to cover this great criminal organization of ten thousand sworn night riders, with their many sympathizers. The night riders claimed that they had thirty-two thousand members, but the better opinion is that there were from eight to ten thousand.

To make the policy of the state authorities known, copies of letters written by the Governor to citizens who appealed for protection, were published, from which I give a few extracts:

“I am sure that in time the people will realize the enormous loss they have sustained in money, property values, liberty and reputation, and that presently the pendulum will swing back, with resistless power for the punishment of the criminals. . . . I have no idea whatever of coming to Hopkinsville to have a conference. . . . I cannot understand how they can think that it would be even sensible, much less necessary, for the state to negotiate with them as if they were the government of another state. The laws are in full force to protect them. The courts are open to them just as to others. The state is not asking any conference with these men—it has no more interest in them than other individuals. It will not think of conferring with them as if they were elected representatives. There will not be a thread of compromise with these flagrant crimes. No matter how long it takes, the state with all its power, is ever pressing forward to the punishment of the guilty. . . . The trials may be temporarily delayed, some miscarry, but the law will be enforced and the criminals will be punished without any sort of compromise, and unless all violence ends at once and peace is fully restored, there will be no earthly possibility of any successful appeal to the Governor to make any allowances for the crimes. They have injured the property of the people; they have destroyed public confidence and hurt the good name of the state an hundred-fold more than a dozen murders committed without combination. No man could do his duty nor be faithful to the constitution and the liberties of the people who would entertain any possibility of mercy for organized crime, and there must be no possibility of mistake or doubt on this subject, and there need be no doubt or fear in the minds of the law-abiding people of the final result. When brought to face the failure of the purpose for which the crimes were instigated, it will not be long until there will be such public feeling for the prosecution that there

will be no difficulty in enforcing the law, no chance for any public official, who has failed to do his duty, and no chance for any man who planned, organized or took part in the crimes, and it will not be long to wait."

Another letter to a law and order organizer:

" . . . . I believe in organization, but there should be no use of the power of numbers to rule by force or in any way except by law, either members or those not members. The rules and contracts must be enforced by law and not in any case by private violence, and it will not be long until all men of ordinary sense will see that one cannot win customers by threats; and several counties have suffered brutal ruffianism quite as dangerous as the Indian ravages were to our pioneer fathers, so that nobody will wish to move into these counties, and every man who loves his liberty will wish to move out. Everybody, a few days ago, was safe and happy, but everybody is now unsafe and unhappy, and not a particle of good, nothing but harm, has come of it all—and presently the people will turn and punish the Ku Klux and there will be no mercy for them."

In a letter to Bracken county:

"I have been greatly surprised at the continued reports of flagrant, open Ku Kluxism in Bracken county. It seems that hundreds of men in so-called 'peaceful armies,' marching in large numbers, have visited people of their county, and even in Mason county, to compel them to give up their liberty, and to obey men who have no right to force their will upon their neighbors.

"The word 'peaceful army' is an insult to every man's intelligence. Every marching band is guilty of felony under the Ku Klux act and subject to indictment, conviction and sentence to the penitentiary, and I hope there will be no doubt in the mind of one of them that, no matter what temporary encouragement he may have had, the loss of liberties and rights will arouse the people to uphold their laws, drive the modern savages out, and demand their punishment.

"I glory in the noble courage of the woman who planted the flag, the emblem of our liberties, at her door when the mob rode up to her father's home. I honor the old Irish woman who defied them all. I honor the man who, with loaded shotgun, commanded them to turn back from his front door. I wish every man to be patient, and never hurt another until forced to, but I shall have a special desire to protect the man who defends his liberty, his property and his life at any risk from these 'peaceful armies' of Ku Klux."



Before the troops went on duty, there were thousands of Kentucky homes in which the men, women and children never went to bed without fear of death, danger and arson; yet in a few months a handful of soldiers suppressed the whole conspiracy, drove the leaders into hiding, and put an end to the rule of fear. The total expense of the militia for all purposes during these months, beginning in December, 1907, and ending this year, has been about \$225,000, of which some \$200,000 was made directly necessary by the night riders.

Several night riders were killed, but the fear of detection of the others caused desperate efforts, in every case, to conceal the fact of each death. Reports show that several committed suicide on account of the crimes.

A proclamation issued by the Governor called upon the people to defend themselves, and told them that if they did they would need no lawyer if they hurt anybody in defending their homes. This promise has been kept. The night riders never risked any chance of an engagement with the troops. The outrages were planned and executed in secret and under cover of darkness. No troops were ever sent except under the law authorizing the Governor to order them in case of danger to life or property, but they were always sent when applied for by the public officers, and whenever and wherever they were needed, and, in many cases, where local officers were in sympathy with the night riders, they were sent by the Governor's order without application when it was certain that the danger existed.

The state league resolution for calling out the whole state militia was answered by saying that under the law the Governor could not send any troops without information showing a necessity for them.

Under strict orders, there was no news nor information given of the movements of the troops. They carried on their patrols in such a way that the night riders never knew where they might turn up or intercept them. The people's soldiers, on their part, conducted themselves splendidly under great hardships, with patience, courage, sound common sense and unfaltering loyalty, and became seasoned soldiers fit for any duty. There was never any complaint of their behavior or performance of duty.



Prominent members of the Dark Tobacco Association called upon the Governor and offered to have the lawlessness stopped if the Governor would withdraw the troops and stop the investigations, but they were told bluntly that no parley would be held with them and no compromise made.

The highest reward permitted by Kentucky law was offered for information that would lead to the apprehension and punishment of every man guilty of co-operation with the night riders or of banding or confederating together to injure or intimidate others and for advance information of intended riots; these rewards would aggregate hundreds of thousands of dollars if the guilty were exposed and successfully prosecuted.

There has been no consideration of political future or popularity nor of the wishes of the lawless, but there has been a stern, relentless and unwavering purpose and an unceasing effort to suppress lawlessness and punish crime. It rests with the people of the Commonwealth and their courts to return the indictments and punish the guilty. There will be no pardon for this offense.

This plan of action has been denounced with every form of abuse and falsehood. Many county newspapers are under the influence of the night riders, and here and there a judge or state's attorney, elected by the people and not subject to removal or correction by the Governor, has faltered in his duty, and in some instances sympathized openly with the criminals. But our people are coming to their own again, and there will be prosecutions and convictions for the wrongs suffered in so great a territory and for so many weary months. I do not know any state today where the sentiment for law and order is more universal, earnest and uncompromising than in Kentucky. We have the straightest typical Americans in all this land, and the best law and order people in the world.

While I have never faltered for an instant in the firm faith in our people, I may confess strong gratification that this faith has already proved to be just, and that the policy of law and order today has the cordial approval of the people of Kentucky. I deem myself most fortunate indeed that it has been my lot to be the Governor of Kentucky in these times of trouble and anxiety and to have the faith I have had in our American people. I

am entirely safe in saying that there is no issue in Kentucky upon the question of law and order; that the sentiment of the state is strong, earnest, faithful and unyielding in favor of upholding the law, without temporizing with any form of defiance of it.

No politics were, generally speaking, injected into this contest. In some counties the night riders tried to make it a political matter and were actively helped by some politicians, but the attempt has reacted. One circuit judge, who made righteous law and order charges to grand juries, but made a farce of the selection of men for juries and of the trials of the night riders in his court, was defeated for the nomination in his own party convention in the Dark Tobacco district. The Tobacco Association has publicly denounced lawlessness, and no candidate for office dares make any public claim or even admission that he was a night rider or a night rider sympathizer.

So far, only two men, I believe, have been convicted of night rider crimes, each receiving a sentence of only one year, but victims of these outrages have recovered in actions in the Federal Court large sums in damages.

Except for the first raid at Princeton, in which Tobacco Trust property was destroyed, and except one Trust building which caught fire from an independent factory, there has been no injury to any of the Trust's property or employes. It has never asked any protection and all of the efforts of the night riders and the different tobacco associations have been directed against the independent farmers who would not join the farmers' pool and put their crop into its hands, and against the independent buyers and factories, who would not yield to the Trust. At the end of all the trouble, the two Trusts, the Tobacco Trust and the Association Trust, readily agreed with each other, to their very great mutual gain and profit, and the Trust got all of the pooled tobacco that it wanted, having the first choice and leaving the independent factories and buyers to get what it did not want, while those unfortunate people who cherished the liberty and the right of each man to do what he pleases with his own so long as he does not interfere with like rights in others, were ground fine between them.

This tobacco trouble is as old as the growth of tobacco. Fiske shows that just such troubles existed in Virginia in early colonial times, and they are not new to Kentucky, though they have never before resulted in such widespread crime and intimidation.

The people of Kentucky owe a great debt to the circuit judges, county judges, commonwealth's and county attorneys, who never faltered even when the storm was darkest, but kept the faith and fulfilled their duties regardless of personal safety or political chances. These men, with whatever party they may affiliate, have shown their title to the confidence of their people. But more than all, I render a tribute of affectionate respect to this American people, with its inherited, instinctive love of law and order, its fidelity to honor and conscience and its sturdy defense of its rights and liberties.

May I not justly claim that this result in a truly representative straight American state is a conclusive demonstration, not only to Kentucky, but to every other state and community controlled by our race, that its officers may always trust unhesitatingly to the ruling instinct, nay, even passion of our race, to uphold the law, even when in a time of the greatest excitement and most deep seated prejudice, disorder temporarily gets the upper hand. Woe to the officer or politician who temporizes or parleys with crime and violence under any circumstances; almost instantly the rebuke will come and the weakness will be punished.

The disorders in Kentucky, under the secret operation of the men who had a money interest in continuing their unlawful and criminal practices, lasted for nearly a year, but finally the reign of fear in thousands of homes has come to an end, and I trust in our people and believe that there can be no serious renewal of the troubles, although there is a possibility of detached local disturbances, inspired by the men who gained money and power through their leadership in the tobacco organization and the night rider conspiracy against the people and their law. The murderers of Hiram Hedges are yet at large. The night riders are yet unpunished, but no statute of limitation protects them, and over all of them hangs the sword of justice of the People's Law. Soon, I hope and believe, grand juries will indict and petit juries will convict, and the people will punish the criminals.

The measure of power or force in anything is always calculated by the resistance which it overcomes. A mere trivial power may whirl an electric fan several hundred revolutions a minute or a spindle three thousand times in a minute. That is because the resistance is slight. You may take a colony of Mic-Mac Indians, one of the most harmless people on earth ; they break no laws, but will you say of such a people that there is among them a power in the sentiment for law and order? There is simply a lack of inclination, a lack of independence, to do anything except in the usual way. This American people comes honestly by a sturdy independence and a strong temper and sometimes a hard headed violence, but side by side with all that, goes a wonderful passion for law and order that can cure any disorder that may spring up in its midst.

I maintain that I have proved that in this typical American state, with a people almost all of whom were born on this soil of the old British-Scotch-English and Irish stock, with all its hard headedness, its fearlessness and its daring not deteriorated, but as strong today as it was in the pioneer ancestors that came down into the dark and bloody ground, the best evidence of the strength of the law and order sentiment is when a people like that puts down just as strong people who, under temporary excitement and passion and prejudice, break the law. It is the resistance that measures the strength of the power, and, measured by that, all these instances I have told you of resistance to law and order are only so many conclusive evidences of the overwhelming power of the sentiment of the people to put down lawlessness and protect liberty, with their lives if need be.

Now I say to you that in every state ruled by our race, the sentiment of law and order, just as it is in this typical state of Kentucky, is the strongest sentiment in the hearts of our people, and it will surely put down all lawlessness and disorder. This country will never degenerate into anarchy, but will put it down in whatever form it is manifested and will bring the criminals to justice ; we shall do it in Kentucky and lead the way for all the rest of the states.

## FRENCH FAMILY LAW.

BY

GEORGES BARBEY,

OF PARIS, FRANCE.

When I received the courteous invitation from your Executive Committee to share in your work, I was deeply touched by the privilege conferred, a privilege to be valued among the highest of my professional career and for which I thank you sincerely. The honor bestowed concerned directly my country, and this was the chief reason for the subject of my discourse.

Among the problems of French ethics and our principles of social life, no subject could be of greater interest to lawyers than the French Family Law. It is the primary element of the nation's collective formation, as well as the frame within which is developed its social and economical activity. And by this expression, French family life, I do not mean the conventional type generally found between the covers of yellow-back literature, distorted or caricatured by novelists in search of psychological deformities, but the private life of the middle classes of my country, where are so many domestic virtues, so deep a sense of duty and rugged perseverance in work, a class constituting pre-eminently the vital and energetic reserve of the race.

French family law is to Americans a subject of wonder. They often declare themselves surprised at the idea that in France a married woman is still considered an "incapable," or that a son is under his father's authority as to marriage until he is twenty-five years of age, or that a man cannot always dispose of his property by will as he wishes. Indeed a nation like America, in which individualism reigns supreme, must find it difficult to realize a standard of family life where individual liberty is constantly sacrificed to the cohesion of the whole, where individual patrimonies are gathered up in the hands of the father; where each

generation, instead of seeking in itself the aim and ultimate of all its energy, unceasingly presses forward, fixing as a goal the existence and welfare of its successors, whose path it prepares by tenacious and laborious foresight.

Another fact often noticed by Americans is that under the heading "Family Law," the French include all relating to the "*family patrimony*," while on this side the two ideas are totally independent. Here is one of the fundamental principles which radically distinguish two forms of civilization and two groups of humanity, separate by ethical origin. In France, more than anywhere, the individual is perpetuated in his family. More still, is the existence of the family perpetuated in the family estate. And, therefore, to the sociologist the terms "civil freedom," "family law," "property," "inheritance," are in a sense synonyms, or at least allude to different parts of an entire system.

It is obvious that these notions appear in the Code Civil as the legacy of a distant past. We note here, effectually, the survival of ideas bequeathed to the world by the Roman law at its decline. These ideas still predominate in the private-law of the Latin races. Is it necessary to recall how, in the early ages, the individuality of the family members was hopelessly suffocated by the crushing power conferred on the father, sole heir of his ancestors. The Renaissance did nothing to repudiate this legacy; the family remained in subservience to its head. To him were confided the care of the traditions of his race, the defense of the family interests; the power to preserve its property. His authority could be furthermore sanctioned and enforced by the all-powerful intervention of royal warrants; by the "*lettres de cachet*" placed at his disposal he was enabled to imprison his culpable or unworthy offspring. Moreover, the influence of the Catholic Church could but fortify this conception of which the indissolubility of marriage was the basic principle; these rules of hierarchy and obedience adapted themselves well to the Church's tenets of authority and discipline, and had its approbation.

As a matter of fact, these principles of social morals were not peculiar, in past centuries, to countries subject to Roman

culture and written law. The centralization of authority and power in the hands of the father, and the paramount influence of family tradition, were common to all European civilizations. When the storm of the Reformation broke over Europe, many countries severing themselves from the influence of the Roman Church retained this double discipline. The common law particularly maintained it. In England, as well as in the British Colonies of America, the woman, by marrying, lost all legal capacity and became, so to speak, one with her husband's personality during the term of married life (*feme covert*). She transmitted to him all rights of possession over her personal property (tenant by the curtesy). At the same time the personality of the proprietor was absolutely submerged by the law of successions, whose wide scope embracing the far-reaching chain of past and future generations, stretched behind and before him. And the rule of primogeniture guaranteed that one member of the family should survive throughout all ages, as the support of others, and as the upholder of the social status of the group.

I do not mean to imply that until the eve of the French Revolution these principles had not been questioned. The most advanced philosophers of the eighteenth century aiming at a systematic revision of all legislative and moral codes, did not fail to discuss the problem of family law. Primogeniture was especially the subject of their violent criticism. Although in practice it was reduced to its simplest form,<sup>1</sup> it was soon subjected to the battering ram of the reformers, as an important fortress of the old régime that they wished to destroy. Montesquieu,<sup>2</sup> Rous-

<sup>1</sup> In France the birthright appertaining to the eldest son had been very much reduced under the "old régime," and was limited in fact, to about 20,000 families; very unequally enforced, it differed from one region to another, being especially active in those provinces which had undergone English occupation, Normandy, Brittany, Poitou, Guyenne, etc. Often the property of the plebeians and peasants also passed to the eldest son, notably in the South and in those provinces where still subsisted the Roman freedom of devise. In other parts of France the will of the father clashed against the "reserve" decreed by custom for the benefit of all his children indiscriminately.

<sup>2</sup> *Esprit des Lois*," Vol. V., Chap. 8.

seau,<sup>3</sup> Voltaire<sup>4</sup> unceasingly denounced it. Moreover, politicians agreed with philosophers. D'Aguessau cried out against the law of primogeniture.<sup>5</sup> The Chancellor de Maupeau in his "Mémoire à Louis XVI" represents that liberty on the part of the testator as depraving public morals.<sup>6</sup> And yet perhaps these voices would have remained unheeded, and the whole nation been less prepared for such a sudden transformation, had not a fact of capital importance occurred in the history of the world.

On the 4th of July, 1776, from the heart of a youthful nation, bravely proclaiming its independence, strange theories came forth: "We hold these truths as self-evident, that all men are created equal." Hierarchal Europe, whose proud monarchies rested on absolute power, sneered at such novel and daring paradoxes, as an empty trivial piece of boasting.

Equal! Men who had not one thing in common, and were divided on every point by birth, fortune titles, privilege! Equal! The nobleman at the court of His Majesty, Louis XVI, the merchant of the Rue St. Antoine, the peasant or slave attached to the plains of the Beauce or to the hills of Normandy! The revolutionary philosophy of the eighteenth century had never ventured to formulate more daring absurdities, and they were at least mere theories, not actual facts!

And before Europe's astonished eyes, on the strength of this monstrous principle, men beyond the Atlantic, claimed for themselves their country's independence and aspired to the formation of an organized state! The rest of the world, France excepted, considered such independence impossible. The rest of the world, France not excepted, considered such a government impracticable.<sup>7</sup> It survived, nevertheless, upheld by the minds and genius of such men as Franklin, Washington, Paine, Jefferson. And Lafayette, on his return home, brought back with him the result of this remarkable experience.

<sup>3</sup> "Discours sur L'Inégalité parmi les Hommes."

<sup>4</sup> Dict. Philosophique. "Pensées sur le Gouvernement."

<sup>5</sup> Letter of June 24, 1730.

<sup>6</sup> See Flammermont, le Chancelier de Maupeau et le Parlement, p. 616.

<sup>7</sup> See Professor Van Dyke's volume, *Le Génie de l'Amérique*, p. 82, edited by Calmann Lévy, Paris.



Already in this youthful federation, the formula of civil equality had passed from the political law into the family law. The English colonies of America had for a long time received from Europe the law of primogeniture as their law of succession.\*

This régime was, however, about to be done away with by a peaceful revolution, the signal of which was given in 1776 by the aristocratic and slave-owning state of Virginia, which adopted, in spite of the opposition shown by her wealthy planters, the abolition of the law of primogeniture and the principle of equal shares among children. From Virginia this principle soon spread to all the states of the Union; and it became the fundamental element of the law of succession, the law of primogeniture finally ceasing to exist in the United States. The argument which had been used to convince the reactionary planters and slave-holders at the Convention of Virginia was the following:

“Were the eldest son obliged to eat or to work twice as much as his brothers, it would be right that he should receive a double share; but as his capacities and needs are the same, he must share equally with them.”

You certainly remember who in 1776 uttered these noble words, so full of luminous wisdom, so simply expressed, that one might think they were taken from “Poor Richard’s Almanack.” The speaker was no other than Thomas Jefferson, United States Ambassador to France from 1785 till 1789; the friend of Mirabeau, of Lafayette, of Robespierre; the constant guest of the so-called “advanced drawing rooms”; he who inspired so many

\* If we are not mistaken, the rules of succession in the English colonies of America, although at variance with each other had one characteristic in common, that of assuring the transfer of landed property in its entirety to the eldest son. In the colonies of New York and Rhode Island the law of primogeniture was enforced, and in Georgia, also, in spite of its more democratic origin. In Virginia and other southern states (about seven out of thirteen) the law forbade the parcelling by testament of property having an income in excess of \$200. In other colonies a practice established in Pennsylvania in the XVIIIth century was usually followed, taken from the Mosaic law and similar to the birthright in the old French law, by which the eldest son received a double share. This régime was supplemented by the frequent use of entail.

protagonists of the new political creed, whom the first shock of the French Revolution was about to call to the front.

The correspondence between Madison and Jefferson throws a curious light on what took place during those four decisive years, when the author of the Declaration of Rights was Ambassador at the Court of Louis XVI.<sup>9</sup> The history of that momentous period would prove of vivid interest to the writer who could bring to light the deep and penetrating influence exercised by the modest republican diplomat on a society about to be rent asunder. He could trace the invisible, irresistible contagion of the new ideas. He could foretell the radiancy that the magic speech and mad heroism of the French Revolutionaries were about to add to the doctrine of 1776. It was the time when Paine translated into French the text of all the constitutions of the young American states. The volume reached fifty editions within a few months, and a copy was presented to Louis XVI by Franklin, the copy later thrown out of a window of the Tuileries, and received by the beseiging mob! It was the time when Washington and Jefferson and Madison were promoted to French citizenship by a decree of the National Assembly, and when Paine was spontaneously and in his absence elected a member of the French Convention by the people of Calais, and when he published his celebrated "Rights of Man" in answer to Burke's "Reflections on the French Revolution."<sup>10</sup> France had lent to America the swords of Rochambeau and Lafayette; and America had, in return, through Franklin, Jefferson and Paine, showed France the spectacle of her liberty and enfranchisement. France helped America by her acts; America

<sup>9</sup> Consult "V. R. Meyer, *Heimstaten und andere Wirthschaft Gesaetze der Vereinigten Staaten von Amerika.*" 1883.

<sup>10</sup> I am indebted for some of the above information to the kindness and courtesy of my *confrère* Mr. Charles P. Howland, of New York. See also Lafayette, "Mémoires, Correspondances et Manuscrits," Bruxelles, 1837, Volume II, page 45. "L'ère de la Révolution Américaine qu'on peut regarder comme le commencement d'un nouvel ordre social pour le monde entier est à proprement parler l'ère de la Déclaration des Droits. . . ." (Quoted by Prentice: Federal Power over Carriers and Corporations.)

helped France by her ideas. The glory was equal, but the service was no doubt greater on your side; an idea is also an act, but an act which never dies.

How was it that such generosity should have begotten so many utopias, that the devotion of the first revolutionaries should have paved the way for the excèses of the last? The "Déclaration des Droits de l'Homme" of 1789 had affirmed an almost entire individualism. The numerous parties and factions, each trying to outdo the other, the contagious spirit of exaltation forced the assemblies and government of the Revolution to frame the most outrageous formulas. Extremes met in the name of liberty. The French family liberated in 1789 was threatened with complete dissolution from 1793 to 1803. Marriage then became merely a civil contract easily cancelled by divorce. Woman was declared man's equal and associate. The husband's authority in the home was annulled. The father's authority over his son was abrogated, and to guarantee the latter's independence a "*tribunal familial*" was instituted. The law of primogeniture was abolished, and children's equality of participation in the succession was proclaimed. Illegitimate children were granted an equal right to others in the father's estate. This equality was furthermore re-enforced by the suppression of the father's right to make a will as he liked, and by reducing the devisable part of his fortune to a trifle.<sup>11</sup>

Amazing mixture of fundamental truths and marvelous illusions! Monarchical and Catholic France was not prepared to suffer the yoke of so many liberties forcibly imposed upon her by the head-strong will of a few pamphleteers and political idealists. From the chaos and tumult of these unbridled notions, it was

<sup>11</sup> The Revolutionary decrees concerning matters of family law are numerous. It is interesting to note the following: concerning civil marriage, the decree of September 3, 1791, the decree of September 20, 1792, and those of 4 and 9 Floréal Year II: concerning the succession law, the decrees of 5th Floréal Year III, 9th Fructidor Year III, 3d Vendémiaire Year IV, 4th Germinal Year VIII, and especially that of 17th Nivose Year 11. Finally; concerning illegitimate offspring the decree of the 12th Brumaire Year 11.

imperative to rescue those susceptible of taking firm root in the national ground recently ploughed by the Revolution. This task was personally undertaken by one of the most clear-sighted and expansive minds that modern France has produced, a man of genius who, nineteen years later, defeated on the rock of St. Helena, could say: "My greatest glory lies, not in the forty battles I have won, but in the Code Civil I have made." Once more the piercing gaze of Napoleon foresaw the truth. He had presented France with something even greater than renown or distant frontiers in the Code Civil; he preserved for her thereby the maximum amount of the revolutionary innovations that she could possibly tolerate. Without this Code Civil, all the benefits resulting from the Revolution would have been swept away in the violent reaction after Waterloo. But the inscriptive formulas of the Code had already sunk deeply into the hearts and minds of the nation during the thirteen years of Napoleon's reign. In 1815 the Bourbons, restored to power, failed to eradicate them. The Code had become a national institution, and the French family on which it was modelled had already adapted itself to its formulæ. It has remained unaltered, and during all the political upheavals that France has suffered in the nineteenth century, the Code Civil has been, so to speak, the true constitution of the country. The Code re-instated French family life upon a basis admirably adapted to the temperament and spirit of the nation, equidistant from the rigors of the old régime and the exaggerated demagogics of the Convention.

Let us then examine how the Code Civil has constituted the modern French household—as it exists to the present day.

## II. THE FRENCH FAMILY LAW AS ENACTED BY THE CIVIL CODE.

Among other revolutionary conquests of 1789, the Code Civil maintained the secularizing of marriage, not with any hostile intent towards recognized religions, but to assure its independence with regard to them, and to restrict religious faith within proper boundaries, the human soul.<sup>1</sup>

<sup>1</sup> Code Civil, Sec. 144 and the following.

If on the other hand the Code reduces marriage to a mere civil contract, it consolidates this contract by restoring to the husband and the father all the authority the Revolution had wrested from him. It declares without exception that the man is the head of the family, and therefore the woman, like all other members of the group, must accept his discipline.<sup>2</sup> This does not imply that the Code considers the woman an inferior. The unmarried woman (*feme sole*) enjoys full civil capacity and manages her own affairs.<sup>3</sup> But the incapacity of the married woman is a practical necessity. The conjugal association rejects the idea of two diverging minds. When the man tills the soil, manages the community and cares for the collective interests of the family, the wife can only be an auxiliary; therefore it is only justice, that he, who has the responsibility, should also have the authority.

The result is that in the eyes of the law the married woman is an incapable, unable during her husband's lifetime to contract, alienate, or mortgage or acquire even gratuitously property without the co-action of her husband.<sup>4</sup> As a matter of fact, in practice this legal incapacity of the married woman is greatly tempered. The wife participates with her husband, in virtue of the "mandat tacite," in all matters appertaining to every day life; authorized by him she may start a business or trade; and lastly she enjoys full liberty in making a will without his concurrence;<sup>5</sup> but these exceptional cases in no way alter the rigor of the fundamental principle.

To those who may question such a state of affairs, it is easy to answer that this principle of law has been common to all the legislation of Europe. It is barely thirty years ago that the English woman was emancipated by the "Married Woman's Property Acts" of 1870 and 1882, a step which America had only

<sup>2</sup> Code Civil, Sec. 213.

<sup>3</sup> Code Civil, Sec. 1124, Par. 4.

<sup>4</sup> Code Civil, Sec. 1124, Par. 4, 215, 217 and the following.

<sup>5</sup> Code Civil, Sec. 905. In England it was only by the Will's Act of 1839, that the married woman was declared free to make a will without restriction.

anticipated by a few years.<sup>6</sup> If on the other hand, the wife is unable to dispose of her property without the assistance of her husband, the latter is equally unable to dispose of his wife's property without her consent, and then only in the measure prescribed by the marriage "contract" (ante-nuptial agreement) which settles conjugal relationship with regard to property.

The Code Civil gives absolute freedom to the future husband and wife to establish their pecuniary relations on whatever footing they prefer,<sup>7</sup> whether they choose the principle of the "community" in which the personal property of each is made common, or the "régime dotal," in which the wife's private fortune remains tied up, in whole or in part, during coverture, as a safeguard against the possible depredations of the husband, or

<sup>6</sup>It may be useful to the non-American readers of this paper, to recall by way of comparison the progress made by the idea of the married woman's emancipation in the United States. This progress was, if we are well informed, the following: In 1821 the State of Maine decided that the married woman deserted by her husband should regain civil capacity as if she were a "feme sole." In 1839 the State of Mississippi did likewise. In 1840 the State of Arkansas recognized the right of the married woman to own her own property and to dispose of her own income. Other states followed this precedent. The same year, 1840, the State of New York passed a law giving a married woman the right to insure her life for her own benefit. Then followed the laws passed by that state on April 7, 1848, April 11, 1849, and especially that of March 20, 1860, which established the division of property between husband and wife, and the legal capacity of the latter. These laws and others became codified in the "Domestic Relations Law" of April 17, 1896.

At present we understand that out of 46 states (85,000,000 inhabitants), there are 17 (64,000,000 inhabitants), in which the division of property between husband and wife is in full force. In 8 states (10,000,000 inhabitants), this division is limited and does not apply to property acquired after marriage. In 16 the wife is still bound to obtain her husband's authority before disposing of her property. In one state only, that of Tennessee (2,000,000 inhabitants), the wife is still incapable, in a similar sense as under French law. It is necessary to add, however, that with a view of protecting herself during the term of her married life, the American woman is empowered to constitute a trustee.

<sup>7</sup>Code Civil, Sec. 1387.

the weakmindedness of the wife. Such are, in their entirety, the prescriptions of the Code concerning the relationship between husband and wife. I know how strange they must appear to the Anglo-Saxon mind. France is still under the double influence of the old common law as regards marital power, and of the Roman principle that woman is an inferior. Yet, unconsciously, customs and jurisprudence are causing conjugal relationship to undergo evolution. Dominated by the past spirit of *authority* and the present day spirit of *association*, they are slowly coming to recognize a conjugal state of *mutual independence*.

When the marriage is a failure this extreme independence leads to divorce. In 1804, the Code permitted divorce; and the noise of the tumultuous controversies arising, echoed throughout the whole of the nineteenth century. It is a never ending problem of which the contradictory solutions are alternately mischievous or beneficial. The numerous conflicting proofs of those who are the "fettered prisoners of ill-fated marriages," on the one side, and of those who are "free at last, but homeless," on the other, colored and filled a whole period of French literature with protest and complaint. From the days of Georges Sand down to those of Emile Augier and Dumas fils, France was in a state of hesitation on the question. She suppressed divorce in 1816, only to re-establish it in 1884.\*

The father's authority in the family circle is especially exercised with regard to the children. The Code, therefore, when it declares that the child should honor and obey his parents all his life,<sup>10</sup> alludes to the common tie, or attachment between father and son. But the way in which it sanctions this principle is surprising. The Code Civil has upheld for the father the power bestowed on him by the Roman Law, by which he might punish

\* Code Civil, Sec. 229.

<sup>9</sup> In our contemporary literature many, siding with M. Paul Bourget, protest against divorce in favor of the family; others with M. Margueritte, claim for the former a wider scope in the name of liberty; others with MM. Brieux and Donnay, linger in examination of the state of affairs brought about either by rash marriage or by trivial divorce.

<sup>10</sup> Code Civil, Sec. 371.

his son with imprisonment.<sup>11</sup> The latter until the age of twenty-five and the daughter until the age of twenty-one, are unable to marry without the consent of the father.<sup>12</sup> After that age they need only request their parents' "advice."<sup>13</sup> Moreover, the father may, under proper circumstances, oppose his son's marriage, and even have it annulled, within the lapse of one year, if it has been contracted without his consent.<sup>14</sup> It is clear that in the case of a worthless parent, these laws are subject to abuse; a bill however, passed on July 24, 1889, declares the father's rights to be forfeited when he is unworthy.

There remains as a counterbalance to the authority of the father over the children, the guarantee that the latter can never be despoiled of their inheritance by his arbitrary will or caprice. While on one hand the Code Civil abolishes the eldest son's birth-right and decrees equality of all children in the family, on the other it makes obligatory this successional equality as an effective obligation imposed on the father.

This is one of those points which must appear strange to the Anglo-Saxon for whom the right to devise has become almost a dogma. An American would find it intolerable to be compelled by law to bequeath his fortune equally among all his children, under no matter what circumstances. But the average Frenchman finds this state of affairs natural and just. He knows that if he has one child, he is free to dispose by will, of one-half of his fortune, the other half necessarily devolving on the child. He knows that if he has two children, he can dispose of only one-third, and if he has three or more children, he can dispose of only one-fourth.<sup>15</sup> He is also aware that, in the case of his being childless, one-fourth of his property must devolve upon his surviving father and one-fourth upon his mother.<sup>16</sup> Far from finding such necessities irritating, he considers them

<sup>11</sup> Code Civil, Sec. 375 and the following.

<sup>12</sup> Code Civil, Sec. 148.

<sup>13</sup> Code Civil, Sec. 151.

<sup>14</sup> Code Civil, Sec. 183.

<sup>15</sup> Code Civil, Sec. 913.

<sup>16</sup> Code Civil, Sec. 914.



quite normal and legitimate. We must not lose sight of the fact that *the Code considers one's patrimony less as a result and consecration of one's work than as the bond and condition of the family's existence and perpetuation*. France is not like America, a country that with natural wealth and the chances and changes of daily life, offers to a man the possibility of rapidly building a fortune to be essentially the work of *his* own hands, the result of *his* own initiative. In France, a fortune is nearly always the work of several generations, and the son rarely rises to success without the father having previously surmounted the preliminary stage."

Nor would any man cast his children out into the world without having expended the best of his energy in making their future secure. It is for them he works; it is to provide his daughter's "dot" that he turns from luxury to long years of patient economy. And these children comfortably established, thanks to his long and persevering efforts, will in their turn devote themselves unceasingly to preparing the way for the succeeding generation. In France instead of your brilliant qualities of initiative and audacity, we have the gifts of economy and perseverance. Fortune, in a more auspicious mood has apportioned to you the glorious interests of enormous undertakings and powerful corporations. The ordinary Frenchman is dumb with admiration at the enterprise shown by your commerce and industry, your powerful trusts, your vast monopolies, your victorious insurance companies which gradually take possession of his country, and with the display of that gigantic trade which controls the market of all articles necessary to every day life. I say he is dumb with admiration, but without the slightest ambition or wish to do likewise! The Frenchman would never venture to compromise his savings and his children's daily bread by such large and hazardous speculations. Prudence, not sloth, holds him back; for opportunity once lost is in his country rarely found again.

This brings us to the vital spot, the more intimate sense and

" See the novel by M. Paul Bourget, " L'Etape."

deeper philosophy of the Code Civil, whose laws are to meet the requirements of a population of farmers and small landowners. A somewhat similar thought was in the mind of the legislature of Texas, when it passed, in 1839, the first American law relating to the Homestead, an example which was to be followed shortly by almost all your states. And again, the same idea is to be found in the German principle of the "*Condominium familiæ*."

The extreme division of the land into an innumerable quantity of small settlements has given rise to the greatest eulogies and the most violent criticisms of the French Civil Code. In 1815, at the Vienna Congress, Lord Castlereagh said: "It is unnecessary to destroy France, the Code Civil will undertake that." This showed a surprising blindness as to the legislative requirements of the French nation. Indeed this Code was marvelously adapted to our national traditions. It was the right code for the French peasant,<sup>18</sup> so truthfully pictured by Millet, L'Hermitte, Jules Bréton; "the weather-beaten features, the crippled body deformed by constant bending; slow of gesture, tenacious of physiognomy—all the hopes, desires, ambitions of this obscure laborer buried in the stubborn, barren soil!" With his own hands he clears and ploughs it, still using in some places the light plough mentioned in Virgil; he feeds it, waters it, sows it, and that done watches patiently and covetously for the coming harvest; day by day he jealously measures the slowly yellowing expanse of the grain. For its sake he lives in dread of nature's extremes, sun and frost, rain and drought, storm and wind. In the long winter evening, or on the market-place on Sunday after mass, it forms the sole subject of the few disjointed sentences he utters. Occasionally, by an imprudent word, he may betray his secret ambition; alive to the few opportunities the future holds for him, to possess the field adjoining his own. No detail in the past history of the field is unknown. He knows it well; how it was acquired by marriage, will or sale. And silently, day by day, he goes carefully over its different qualities and capabili-

<sup>18</sup> While writing the above lines, I could not help remembering the admirable figure which M. Albert Sorel has drawn of the French peasant, in his "Introduction" to the Code Civil, 1904.

ties; of the price and value he is well aware, though no one would hear him say so; his son, from his infancy, is brought up with the idea of the marriage which will eventually crown his father's ambitions. In such wise the French peasant concentrates all his abilities, passion and ardor on his work and his economies, and when old and helpless, he spends the long hours at his cottage door, contemplating with failing sight the land on which has been expended the energy and force of his life, awaiting the time when he too shall be called to sleep in its bosom, side by side with his wife, among his forefathers.

How could such a man reconcile his thoughts to the mere possibility of his wife's alienating a small part of this hardly-won soil? How could such a man reconcile his thoughts to the fact that his son, by a rash or ill-considered marriage, might fatally compromise the result of such self-denial and perseverance? No! In France the authority of the husband, the authority of the father are necessary consequences of the whole economical régime. In this wise the Code Civil is pre-eminently a national piece of work.

### III. SOME CRITICISMS ON THE CIVIL CODE.

Shall one object that these periodical divisions and distributions have harmed the national prosperity of the country; that all rural exploitations being as it were in a "permanent state of liquidation" are fatally compromised, that growing fortunes have been pulverized and dispersed, and finally the very expansion of our race affected, its birthrate lowered and all ambition and initiative stunted?

It is true that the "régime familial" of the Code Civil has paralyzed to a great extent the growth of large estates in France. But it would be well in the first place to ascertain if, after all, large estates are really so beneficent. They were of little avail in saving Prussia in 1806, or Poland! And in the present day we do not find them saving England from pauperism. Lord Rosebery, in a recent speech to a delegation of colonial journalists, uttered these words: "Contemplate in admiration, gentlemen, the stately homes and large estates of our country; perhaps

on your return they may have ceased to be!" The question is whether these extensive domains are desirable in a country which is daily threatened by the ever-increasing army of the "unemployed." The soil of England is rich enough to feed these starving thousands whose misery is the price of the luxuries of the rich. If, in its deep wisdom, the Code Civil has somewhat dulled the luster of the higher circles of France's social order, it has also done much to alleviate misery and suffering among the lower. Furthermore, much light is being thrown on this question by the following fact. Since the publication of the Code, the number of small landowners, from 4,600,000 has attained 8,500,000, and 80,000,000 acres of waste land have been rescued by the perseverance and courage of our peasants, and turned into meadows, pasture lands, vineyards and gardens.<sup>19</sup>

Such are the results of a régime of political economy which has increased the country's number of landowners, and at the same time the proportion of those to whom private property is a guarantee of personal freedom; it has, moreover, stimulated the nation's latent energy in forcing the humble toiler in the field to re-constitute the family patrimony which each generation receives, divides and strives to rebuild. Great is often the surprise felt at the sight of the millions the French peasant brings forth from the depths of his old woolen stocking, at the call of his country's need. The secret of his wealth? I have told it to you!

<sup>19</sup> The criticisms made by the detractors of the Code Civil, concerning the expansion of the population, are open to doubt. It is interesting to note that Belgium, with an identical successional régime, presents opposite demographical symptoms; whilst Italy and Spain, although enjoying full testamentary liberty, are subject to economical depressions. On the other hand, although England and the United States are the standard countries of freedom of devise, it is to be noticed that in the Eastern States the birthrate is lower than in France, and that in London it has diminished in spite of the increase of the population (in 1893, 133,000 births in London; in 1898, 130,000—the population in that interval having risen from 4,300,000 to 4,613,000). I have found these various figures mentioned in the study which M. Ambroise Colin, professor at the University of Paris, has written on *Le Code Civil et la Famille*, Paris, 1904.

But, nevertheless, our eulogy in favor of the family law formulated by the Code Civil carries with it a criticism. When we said that it was a law marvellously adapted to the needs of the country in 1804, we acknowledged the fact that 105 years have already elapsed since that day. In the course of that wonderful nineteenth century, which revolutionized the whole face of the world, France, like other nations, underwent a transformation.

And today, side by side with that agricultural society, sole solicitude of the authors of the Code Civil, we find a new world, which in the sphere of human activity has developed a series of actual transactions hitherto ignored. Industrialism the result of chemical and mechanical discoveries, has pitted the face of the country with factories, and furrowed it with railways. The illimitable extension accorded to human activity by such powerful agents as steam and electricity has given rise to a fortune in personal property boundless in its scope and ambition; this continually shifting fortune carries with it all those who work in its name. Around huge factories and mines a new race has sprung up; no bronze-tinted, weather-beaten features these, but blackened with the coal dust of the furnace and discolored by the everlasting gloom of the shaft. New conditions of life have gathered together, in towns of sudden growth, enormous fluctuating populations, whose needs, ideas, aspirations are in a permanent state of transformation. In this new commonwealth the laws of the Code Civil seem out of place. Of what avail these old laws of succession, when the homestead is abandoned, the fireside forsaken, its traditions dead? Of what avail the unity of the family, when its members are scattered and dispersed by the hazards of work? Of what avail paternal authority, when the father is contaminated by the vices and intemperance of town-life? Of what avail the marital authority, when it is the wife who is the element of wisdom and prudence in the household? And lastly, of what avail the conjugal community of property, when the wife's painfully earned wages are exposed to the depredations of an unworthy husband?

And so, the new need calls for new laws. Moreover, we have lost today that superstitious cult of the uniform, and in our

turbulent and restless democracies we have ceased to consider the word "citizen" indicative of a single type. We have come to realize that this term comprises nowadays, the working-man, the laborer, the artisan, the landowner, the capitalist and the proletarian! We have come to realize that each one of these groups must, of necessity, have its own particular statutes. For this reason the German Civil Code allows the local legislature the right to legislate on the grounds of the "Anerben Recht." Day by day, the French Code Civil is being completed by various new laws; such as the law on the legal capacity of the wife separated from her husband; the law for the protection of children; the law on the forfeiture of paternal rights; the law for the protection of workman's homes, etc. Slowly, French legislation is endeavoring to adapt itself to the many complexities of modern life.

Happy the countries where legislators are able to keep abreast of the customs and traditions of the past, and yet give to each new generation its proper formula! At a time when ideas are in a constant state of ferment, and the aims of social life so varied and uncertain, this task is arduous. Nevertheless, let us give full credit to the sincere and genuine efforts we see today expended everywhere on public welfare. "*Mens agitat molem,*" the mind worketh the matter. Through the din and confusion of conflicting interests, of economical forces at bay, of the growing hatred of classes, we may perceive in all countries the work of master minds and iron walls; from out the chaos we see slowly arising, the ideal homestead, under whose hospitable roof the father and mother, equal in dignity and power, may bring up their children in peace, prosperity and freedom!

## THE JUVENILE COURT.

BY

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The past decade marks a revolution in the attitude of the state toward its offending children, not only in nearly every American commonwealth, but also throughout Europe, Australia, and some of the other lands. It is therefore indeed fitting that the members of this Bar Association should consider a problem, which, though juristically comparatively simple, is, in its social significance, of the greatest importance, for upon its wise solution, depends the future of many of the rising generation. In our dealings with the mischievous and wayward children of today, we are sowing the seeds from which the next generation shall reap the harvest of good or of evil.

The legal questions, though not complicated, have, nevertheless, given rise to some discussion and to some slight dissent, from the standpoint of constitutional law.

The first thought which suggests itself in connection with the juvenile court is, what is there distinctively new about it. We are familiar with the conception that the state is the higher or the ultimate parent of all of the dependents within its borders. We know, that, whatever may have been the historical origin of the practice, for over two centuries, as evidenced by judgments both of the House of Lords and of the Chancellors, the courts of chancery in England have exercised jurisdiction for the protection of the unfortunate child.

The proposition that the court of chancery could not act unless the infant had property, was declared by North J., in *re McGrath*, 1892, 2 Ch. 496, to be wholly unsupported by either principle or authority. He added:

“In *re Spence*, 2 Ph. 247, Lord Chancellor Cottenham said: ‘I have no doubt about the jurisdiction. The cases in which

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the court interferes on behalf of infants are not confined to those in which there is property. . . . This Court interferes for the protection of infants, qua infants, by virtue of the prerogative which belongs to the Crown as *parens patriæ* and the exercise of which is delegated to the great seal.' Again in *Brown vs. Collins*, Mr. Justice Kay said: 'Undoubtedly we use the words 'Wards of Court' in such a case in rather a special sense. In one sense all British subjects who are infants are Wards of Court because they are subject to that sort of parental jurisdiction which is entrusted to the Court in this country, and which has been administered continuously by the Courts of Chancery Division. It may be exercised, as it has been in many cases, whether they have property or not.'"<sup>1</sup>

In the early case of *Cowles vs. Cowles*, 3 Gilman 435, [1846], Caton J. said:

"The power of the Court of Chancery to interfere with and control not only the estates but the persons of all minors within the limits of its jurisdiction, is of very ancient origin and cannot now be questioned. This is a power which must exist necessarily somewhere in every well regulated society and more especially in a republican government. A jurisdiction thus extensive and liable, as we have seen, to enter into the domestic relations of every family in the community, is necessarily of a very delicate and even of a very embarrassing nature; and yet its exercise is indispensable in every well governed society; it is indispensably necessary to protect the persons and preserve the property of those who are unable to protect and take care of themselves."

And shortly thereafter in the case of *Miner vs. Miner*, 11 Ill. 40, [1849], he enunciated the practically unanimous American doctrine that the parents' rights are always

"subject to control by the Court of Chancery when the best interests of the child demand it."

Support was found for the contention that a property interest is essential to jurisdiction in the fact that, until comparatively recent times, the aid of the court in England was seldom sought, except when the child had an independent fortune; but, as was

<sup>1</sup> See also *In re Flyn*, 2 DeG. & Sm. 457; *Brown vs. Collins*, 25 Ch. D. 56; *In re Scanlan*, 40 Ch. D. 200; *In re Nevin*, 1891, 2 Ch. 299; *Barnardo vs. McHugh*, L. R. App. Cas. 388 (1891); *In re W.*, 1907, 2 Ch. 557; *In re H.'s settlement*, 1909, 2 Ch. 260. Several of these cases involve only questions of religious education of the child.



said by Lord Eldon, whose decree in the Wellesley case, 2 Russ. 1, [1827], was affirmed by the House of Lords (2 Bligh N. S. 124),

“It is not from any want of jurisdiction that it does not act, but from a want of means to exercise its jurisdiction, because the court cannot take upon itself the maintenance of all the children in the Kingdom. It can exercise this jurisdiction fully and practically only where it has the means of applying property for the maintenance of the infant.”

This want has now been met both through the extension of the parental obligations and through public grants of money or institutions for the support, maintenance and education of the children. The judges of the Juvenile Court, in exercising jurisdiction, have, in accordance with the most advanced philanthropic thought, recognized that the lack of proper home care can best be supplied by the true foster parent. Valuable as have been the orphan asylums of the civilized world, marked as has been the advance in recent years, particularly in this country, in their administration, in the more complete recognition of the individuality of the child, in the substitution of the country cottage homes for the congregate barrack-like city institutions, bringing with it a much closer approach to the normal home than has ever heretofore been accomplished, nevertheless, following the splendid lead of Massachusetts, greater effort is being put forth everywhere to solve the problem of the permanently dependent or neglected child by finding for it a foster home where it shall receive that individualized love and care that each one of us gives to and would always desire for his own little ones. The Children's Conference, called by President Roosevelt last February, and participated in by the leading juvenile court workers of the country, gave a fresh impetus to this modern growing home-finding movement.

While in most jurisdictions the juvenile court laws make provision for the dependent as well as the neglected, the truant and the delinquent child, some of the best workers in this field have objected to a court having anything to do with the strictly dependent child, the child whose parents must ask assistance, merely because of poverty or misfortune. If friends or the

church fail to supply the necessary help, and the aid of the state is to be sought, it should be granted through poor law or relief commissioners.

The remedy for the saddest cases that too often come before the court, the dependent children of a woman suddenly deprived of the support of her husband by death or disease, and unable to bear her heavy burden unaided, is not the disintegration of the family through adoption or boarding out, but either private or public assistance that will enable the able and worthy mother to keep her family together.

The court should be called upon to act only in the case of a persistent truant, or a victim of neglect or wrong doing, either on the part of others or of itself. It is particularly in dealing with those children who have broken the law or who are leading the kind of life which will inevitably result in such breach, that the new and distinctive features of the juvenile court legislation appear.

I need hardly say to a body of lawyers, that our common criminal law did not differentiate between the adult and the minor who had reached the age of criminal responsibility, seven at common law and in some of our states, ten in others, with a chance of escape up to twelve, if lacking in mental and moral maturity. The majesty and dignity of the state demanded vindication for infractions, from both alike. The fundamental thought in our criminal jurisprudence was not, and in most jurisdictions, is not, reformation of the criminal, but punishment; punishment as expiation for the wrong, punishment as a warning to other possible wrong-doers. The child was arrested, put into prison, indicted by the grand jury, tried by a petit jury, under all the forms and technicalities of our criminal law, with the aim of ascertaining whether it had done the specific act—nothing else—and if it had, then of visiting the punishment of the state upon it.

It is true that during the last century, ameliorating influences mitigated the severity of the old regime; in the last fifty years, our reformatories have played a great and very beneficent part in dealing with juvenile offenders. They supplanted the peni-

tentiary. In them, the endeavor was made, while punishing, to reform, to build up, to educate the prisoner so that when his time should have expired, he could go out into the world, capable at least of making an honest living. And in course of time, in some jurisdictions, the youths were separated from the older offenders even in stations, jails and workhouses; but, nevertheless, generally in this country, the two classes were huddled together. What was the result of it all? Instead of the state training its bad boys so as to make of them decent citizens, it permitted them to become the outlaws and outcasts of society; it criminalized them by the very methods that it used in dealing with them. It did not aim to find out what the accused's history was, what his heredity, his environments, his associations; it did not ask how he had come to do the particular act which had brought him before the court; it put but one question, "Has he committed this crime"? It did not inquire, "What is the best thing to do for this lad"? It did not even punish him in a manner that would tend to improve him; the punishment was visited in proportion to the degree of wrong-doing evidenced by the single act; not by the needs of the boy, not by the needs of the state. And when some of the good women of Chicago saw these lads of ten and twelve and fifteen in great numbers filling the county jail, receiving no training and no education, mingling with the adult criminals, the vagabonds, the harlots and the drunkards, both before and after trial, being daily contaminated physically and morally, they at first secured some measure of segregation; then they employed teachers for them and finally they influenced the Board of Education to establish a public school in the House of Correction. Soon they said to themselves: "If this is good work, why isn't it better to keep these boys and girls away from this sort of a place altogether? Why isn't it just and proper to treat these juvenile offenders as we deal with the neglected children, as a wise and merciful father handles his own child whose errors are not discovered by the authorities? Why isn't it the duty of the state instead of asking merely whether a boy or a girl has committed a specific offence, to find out what he is, physically, mentally, morally, and then if it

learns that he is treading the path that leads to criminality, to take him in charge, not so much to punish as to reform, not to degrade but to uplift, not to crush but to develop, not to make him a criminal but a worthy citizen."

And it is this thought—the thought that the child who has begun to go wrong, who is incorrigible, who has broken a law or an ordinance, is to be taken in hand by the state not as an enemy but as a protector, as the ultimate guardian, because either the unwillingness or inability of the natural parents to guide it toward good citizenship has compelled the intervention of the public authorities; it is this principle, which to some extent theretofore applied in Australia and a few American States, was first fully and clearly declared, in the act under which the Juvenile Court of Cook County, Illinois, was opened in Chicago on July 1, 1899, the Hon. R. S. Tuthill presiding. Colorado followed soon after, and since that time similar legislation has been adopted in over thirty American jurisdictions, as well as in Great Britain and Ireland, Canada and the Australian colonies. In continental Europe and also in Asia, the American juvenile courts have been the object of most careful study, and either by parliamentary or administrative measures, similar courts have been established, or at least some of their guiding principles have been enforced.

The Lord Advocate of Scotland, in the course of debate on that sweeping reformation and consolidation of the laws relating to children, justly called the Children's Charter, that became effective April 1, 1909, stated (Hansard, Parl. Deb. 4th series, v. 186, p. 1251) that:

"There was a time in the history of this House when a bill of this kind would have been treated as a most revolutionary measure, and half a century ago, if such a measure had been introduced it would have been said that the British constitution was being undermined."

That era has, I trust, passed away forever.

Juvenile court legislation has assumed two aspects. In Great Britain, in New York and in a few other jurisdictions, the protection is accomplished by suspending sentence and releasing the

child but under probation, or, in case of removal from the home, sending it to a school instead of to a jail or penitentiary. The criminal proceeding remains, however. The child is charged with the commission of a definite offense, of which it must be found either guilty or not guilty. If not guilty of the one certain act, it is discharged, however much it may need care or supervision. If guilty, it is then dealt with but as a criminal. And this would seem to be true even under the New York statute of May 25, 1909, which provides that:

“A child of more than seven and less than sixteen years of age, who shall commit any act or omission, which, if committed by an adult, would be a crime not punishable by death or life imprisonment, shall not be deemed guilty of any crime, but of juvenile delinquency only. . . . Any child charged with any act or omission which may render him guilty of juvenile delinquency shall be dealt with in the same manner as now is or may hereafter be provided in the case of adults charged with the same act or omission, except as specially provided heretofore in the case of children under the age of sixteen years.”

This would seem to effectuate merely a change in the name of every crime or offense from that by which it was theretofore known, to the crime of juvenile delinquency. Beyond question, much good may be accomplished under such legislation, dependent upon the spirit in which it is carried out, particularly if, as the English act provides, the conviction should not be regarded as a conviction of felony for the purposes of any of the disqualifications attached to felony.

But in Illinois, and following the lead of Illinois, in most jurisdictions, the form of procedure is totally different and wisely so. It would seem to be obvious that, if the common law could fix the age of criminal responsibility at seven, and if the legislature could advance that age to ten or twelve, it can also raise it to sixteen or seventeen or eighteen; and that is what, in some measure, has been done. Under most of the juvenile court laws, a child under the designated age is to be proceeded against as a criminal only when in the judgment of the judge of the juvenile court, either as to any child or in some states as to one fourteen or one sixteen years of age, the interests of the state

and of the child require that this be done. It is to be observed that the language of the law should be explicit in order to negative the jurisdiction of the criminal courts in the first instance. In the absence of such express provision, the Supreme Court of New Hampshire, in *State vs. Burt*, 71 Atlantic Reporter 30, [1908], recently upheld a criminal conviction. On the other hand, the Supreme Court of Louisiana has just decided in the case of *State vs. Reed*, 49 Southern Reporter 3 [1909], that a criminal proceeding against one within the age limit must be quashed and the case transferred to the juvenile court.

To get away from the notion that the child is to be dealt with as a criminal; to save it from the brand of criminality, the brand that sticks to it for life; to take it in hand and instead of first stigmatizing and then reforming it, to protect it from the stigma; this is the work, which is now being accomplished, by dealing, even with most of the delinquent children, through the court that represents the *parens patriæ* power of the state, the court of chancery.

Proceedings are brought to have a guardian or representative of the state appointed to look after the child, to have the state intervene between the natural parent and the child because the child needs it, as evidenced by some of its acts, and because the parent is either unwilling (in that case it is pretty clear) or unable to train the child properly.

Objection has been made from time to time that this is nevertheless a criminal proceeding, and that therefore the child is entitled to a trial by jury and to all the constitutional rights that hedge about the criminal.

Let me quote briefly from a few of the answers that have been given by the supreme courts of our states to this objection:

In *Commonwealth vs. Fisher*, 213 Pa. St. 48, 62 Atl. 198, [1905], the court says:

“To save a child from becoming a criminal, or from continuing in a career of crime, to end in maturer years in public punishment and disgrace, the legislature surely may provide for the salvation of such a child, if its parents or guardian be unable or unwilling to do so, by bringing it into one of the courts of the state without any process at all, for the purpose of subjecting it to the state’s guardianship and protection.

"The action is not for the trial of a child charged with a crime, but is mercifully to save it from such an ordeal, with the prison or penitentiary in its wake, if the child's own good and the best interests of the state justify such salvation. Whether the child deserves to be saved by the state is no more a question for a jury than whether the father, if able to save it, ought to save it. The act is but an exercise by the state of its supreme power over the welfare of its children, a power under which it can take a child from its father, and let it go where it will, without committing it to any guardianship or any institution, if the welfare of the child, taking its age into consideration, can be thus best promoted.

"The design is not punishment, nor the restraint imprisonment, any more than is the wholesome restraint which a parent exercises over his child. The severity in either case must necessarily be tempered to meet the necessities of the particular situation. There is no probability, in the proper administration of the law, of the child's liberty being unduly invaded. Every statute which is designed to give protection, care and training to children, as a needed substitute for parental authority, and performance of parental duty, is but a recognition of the duty of the state, as the legitimate guardian and protector of children where other guardianship fails. No constitutional right is violated."

In one of the most recent decisions, *ex parte Sharp*, 15 Idaho 120, 96 Pac. 563, [1908], the Supreme Court of Idaho thus refers to the Juvenile Court:

"Its object is to confer a benefit both upon the child and the community in the way of surrounding the child with better and more elevating influences, and of educating and training him in the direction of good citizenship, and thereby saving him to society and adding a good and useful citizen to the community. This, too, is done for the minor at a time when he is not entitled, either by natural law or the laws of the land, to his absolute freedom, but rather at a time when he is subject to the restraint and custody of either a natural guardian or a legally constituted and appointed guardian to whom he owes obedience and subjection. Under this law the state, for the time being, assumes to discharge the parental duty and to direct his custody and assume his restraint.

"It would be carrying the protection of 'inalienable rights,' guaranteed by the Constitution, a long way to say that that guaranty extends to a free and unlimited exercise of the whims,



caprices, or proclivities of either a child or its parents or guardians for idleness, ignorance, crime, indigence, or any kindred dispositions or inclinations."

Years ago in considering the power of the court to send a child to the house of refuge Chief Justice Gibson said, in *ex parte Crouse*, 4 Wharton 9, [1838]:

"May not the natural parents, when unequal to the task of education, or unworthy of it, be superseded by the *parens patriæ*, or common guardian of the community? It is to be remembered that the public has a paramount interest in the virtue and knowledge of its members, and that of strict right, the business of education belongs to it. That parents are ordinarily entrusted with it, is because it can seldom be put in better hands; but where they are incompetent or corrupt, what is there to prevent the public from withdrawing their faculties, held as they obviously are, at its sufferance? The right of parental control is a natural, but not an inalienable one. It is not excepted by the declaration of rights out of the subjects of ordinary legislation."

Care must, however, be taken not to provide for dealing with the child as a criminal. The City of Detroit lacked for a time a juvenile court, as the result of the decision in *Robinson vs. Wayne Circuit Judges*, 151 Mich. 315, 115 N. W. 682, [1908]. The Supreme Court of Michigan, following the cases cited and numerous others, overruled many objections urged against the constitutionality of the Detroit juvenile court act, but nevertheless held it invalid, saying:

"The statute, it is true, declares that the proceedings shall not be taken to be criminal proceedings in any sense; and yet by section 14 it is provided that if the child be adjudged a delinquent child, the court may place the case on trial, and impose a fine not to exceed \$25.00, with costs, etc. This can have no other purpose than punishment for a delinquency, which means nothing less, or at least includes one who violates any law of this state or any city ordinance.

"In the present case, however, this statute is a state law providing for a penalty. A complaint, an arrest, and trial are authorized, and, upon a determination, the imposition of a fine. It is difficult to conceive of any element of a criminal prosecution which may be said to be lacking. And, as section 28 of article 6 of the Constitution very plainly provides for a jury of



12 men in all courts of record in every criminal prosecution, the provisions for a jury of 6 for the trial of delinquents is in violation of this section."

Further legislation has now corrected this defect.

In answer to the objection that the act has the effect of depriving a parent of the custody of his child in violation of his constitutional rights, the Supreme Court of Idaho, in *ex parte Sharp* (*supra*), says:

"If the parent objects to the child's being taken care of by the state in the manner provided for by the act, he may appear and present his objections. If, on the other hand, he is not made a party to the hearing and proceeding, under all the recognized rules of legal procedure, he is clearly not bound by the judgment, and none of his rights are precluded.

"The parent or guardian cannot be bound by the order or judgment of the probate court in adjudging a child delinquent and sending him to the Industrial Training School unless he has appeared or been brought into the proceeding in the probate court."

The Supreme Court of Utah, in *Mill vs. Brown*, 88 Pac. 609, [1907], emphasized this requirement when it said:

"Before the state can be substituted to the right of the parent, it must affirmatively be made to appear that the parent has forfeited his natural and legal right to the custody and control of the child by reason of his failure, inability, neglect, or incompetency to discharge the duty and thus to enjoy the right.

"Unless, therefore, both the delinquency of the child and the incompetency, for any reason, of the parent concur, and are so found, the court exceeds its power when committing a child to any of the institutions contemplated by the act."

It is therefore important to provide, as has been done in the most recent statutes, but as was not done in the earlier acts, that the parents be made parties to the proceedings, and that they be given an opportunity to be heard therein in defense of their parental rights.

The Supreme Court of Illinois, however, in the case of *People ex rel. Schwartz vs. McLain* 38 Chicago Legal News, 166, [1905], struck a discordant note, in a decision releasing the child from the State Training School for Boys. Subsequently, however, it

granted a re-hearing, and, because of the discontinuance thereafter of the habeas corpus proceedings, rendered no final judgment in the cause. In the original opinion, however, which we may, in view of the re-hearing, regard as retracted, the court, while upholding the constitutionality of the juvenile court law in the case of a child whose parents actively contributed to its wrongdoing, said:

"If this enactment is effective and capable of being enforced as against the relator, father of the boy, it must be upon the theory that it is within the power of the state to seize any child under the age of sixteen years who has committed a misdemeanor, though the father may have always provided a comfortable, quiet, orderly and moral home for him, and have supplied him with school facilities, had not neglected his moral training, and had been and was still ready to render him all the duties of a parent. We do not think it is within the power of the General Assembly to thus infringe upon parental rights."

The answer to this, made by counsel on the argument on re-hearing, would seem to be conclusive. They said:

"The boy incorrigible at home must be corrected by the State. Whether this correction be by fine, imprisonment, or commitment to school, is a matter which does belong to the legislature and not to this court to determine.

"This law applies, with equal force, to the son of the pauper and the millionaire, to the minister's son (who is sometimes the wolf among the flock), as well as to the son of the convict and the criminal. The circumstances and disposition of the parents are not the test by which the state measures its power over the child; the right of the parent to retain the society and the services of the child is rightfully suspended when the parent is *unsuccessful* in keeping the child in a state of obedience to the criminal law of the state; he cannot keep his child and allow him to continue to violate the law of the state without successful check or barrier thereon, just because he has a comfortable and moral home.

"The manner in which the power of the state shall be exercised, and the extent to which the deprivation of the parent shall go, is a matter for the determination of the legislature, and the legislature by this act has confided it to a court of chancery, where the parental power of the state has been lodged and exercised from time immemorial."

They quote too the passage heretofore cited from the decision of Chief Justice Gibson, in *ex parte Crouse* (supra), with this addition:

"The right of parental control is a natural but not an inalienable one. It is not excepted by the Declaration of Rights out of the subjects of ordinary legislation, and it *consequently remains subject to the ordinary legislative power*, which if wantonly or inconveniently used, would soon be constitutionally restricted, but *the competency of which, as the government is constituted, cannot be doubted.*"

One more legal question remains. In a decision, characterized by the Supreme Court of Michigan in the Robinson case (supra) as "now chiefly notable as an example of the vigor with which that which is not the law may be stated," the Supreme Court of Illinois, in *People ex rel. vs. Turner*, 55 Ill. 280, [1870], released a child from the reformatory on the ground that the reformatory was a prison; that incarceration therein was necessarily punishment for a crime, and that such a punishment could be inflicted only after criminal proceedings conducted with due regard to the constitutional rights of the defendant. Whether the criticism be just or not, the case suggests a real truth, and one which, in the enthusiastic progress of the juvenile court movement, is in danger of being overlooked. If a child must be taken away from its home, if for the natural parental care that of the state is to be substituted, a real school, not a prison in disguise, must be provided. And here again Massachusetts is taking a noble lead. Even for the delinquent child, it is meeting with considerable success, in securing foster or boarding home at the cost, if necessary, of the state. Of course, many delinquent children are, at least in the beginning, totally unfitted so to be placed, and for them a preliminary training in an industrial school is necessary. But whether the institutional life be only temporary until a foster home can be found, or for a longer period until the child can be restored to its own home or be given its complete freedom, the state must, both to avoid the constitutional objections suggested by the Turner case, and in fulfillment of its moral obligation to the child, furnish the proper

care. This cannot be done in one great building, with a single dormitory for all of the two or three or four hundred or more children, in which there will be no possibility of classification along the lines of age or degrees of delinquency, in which there will be no individualized attention. What is needed is a large area, preferably in the country, because these children require the fresh air and contact with the soil even more than does the normal child; laid out on the cottage plan, giving opportunity for family life—and the smaller the unit, the better, for ten rather than for twenty, for twenty rather than for fifty; and in each cottage, some good man and woman who will live with and for the children. Red tape and a series of “don’ts” must yield to simplicity and continual encouragement. Locks and bars, and other indicia of prisons must be avoided; human love, supplemented by human interest and vigilance, must replace them. In such schools, there must be opportunity for agricultural and industrial training, so that when the boys and girls come out, they will be fitted to do a man’s or woman’s work in the world, and not be merely a helpless lot, drifting aimlessly about. Some states have begun to supply this need. I know of no better study of this problem than that contained in the report of the Commission to select a site for the New York State Training School for Boys, submitted to the Legislature, April 28, 1909, and published as N. Y. Senate Document No. 39. But despite the great ultimate financial saving to the state through this method of dealing with children, a saving represented by the value of a decent citizen as against a criminal, the public authorities are nowhere fully alive to the new obligations that the spirit as well as the letter of this legislation imposes upon them. It has, however, been specifically provided in Canada that before the Dominion act shall be put into force in any province, the governor-in-council must be satisfied, among other things, that an industrial school, as defined by the act, exists, to which juvenile delinquents may be committed.

Private philanthropy doubtless will in the future as in the past, supplement the work of the state in providing for the delinquents. To a large extent, it is denominational, though many

organizations are non-sectarian. None have accomplished more good or give promise of greater continued usefulness than the George Junior Republics and similar organizations, such as Allendale Farm, near Chicago, that stand for self-government, self-reliance, and redemption through honest labor.

Mr. Herbert Samuels, in introducing his excellent Children's Bill said (Hansard, 4th ser., v. 183, p. 1434), in reference to that part of it which has to do with juvenile offenders, that it is based on three main principles:

"The first is that the child offender ought to be kept separate from the adult criminal, and should receive at the hands of the law a treatment differentiated to suit his special needs—that the courts should be agencies for the rescue as well as the punishment of children. We require the establishment through the country of juvenile courts—that is to say, children's cases shall be heard in a court held in a separate room or at a separate time from the courts which are held for adult cases, and that the public who are not concerned in the cases shall be excluded from admission.

"In London we propose to appoint by administrative action a special children's magistrate to visit in turn a circuit of courts. Further, we require police authorities throughout the whole of the country to establish places of detention to which children shall be committed on arrest, if they are not bailed, and on remand or commitment for trial, instead of being committed to prison.

"The second principle on which this bill is based is that the parent of the child offender must be made to feel more responsible for the wrong doing of his child. He cannot be allowed to neglect the upbringing of his children, and having committed the grave offense of throwing on society a child criminal, wash his hands of the consequences and escape scot free. We require the attendance in court of the parent in all cases where the child is charged, where there is no valid reason to the contrary, and we considerably enlarge the powers, already conferred upon the magistrates by the Youthful Offenders Act of 1901, to require the parent where it is just to do so, to pay the fines inflicted for the offense which his child has committed.

"The third principle which we had in view in framing this part of the Bill is that the commitment of children in the common gaols, no matter what the offense may be that is committed, is an unsuitable penalty to impose. After consultation with many

of the chief judicial and legal authorities, the Government has come to the conclusion that the time has now arrived when Parliament can be asked to abolish the imprisonment of children altogether, and we extend this proposal to the age of sixteen with a few carefully defined and necessary exceptions."

To these should, however, be added, as the fourth principle, that taking a child away from its parents and sending it even to an industrial school is as far as possible to be avoided; and as the fifth and most important principle, that when it is allowed to return home, it must be under probation, subject to the guidance and friendly interest of the probation officer, the representative of the court. To raise the age of criminal responsibility from seven or ten to sixteen or eighteen, without providing for an efficient system of probation, would indeed be disastrous. Probation is, in fact, the keynote of juvenile court legislation.

As Judge Heusler, of Baltimore, has well said (Charities Nov. 7, 1903) :

"The work of the children's courts must be done in the children's homes. No temporary veneer put upon the child by the most sympathetic judge, by reason of either counsel, suggestion, or threat, can be availing, if after the process the subject is sent back *alone*, and again into the same experiences because of which his trouble was occasioned. The work must be carried into the home and the hearts of the boy and of his people. Not the offense alone must pass under the observation of the court, but the temptation, the lack of opportunity, the bad examples, all the inducing causes of the offense must be discovered, and when discovered rooted out. The youth must be ruled with kindness and suggestion; be made to understand the meaning of home and law and necessary discipline. He should be told that he is but a child today, he is the man of the coming morrow. His quickening intelligence, his hopes, his ambitions must be appealed to, and his response is almost certain.

"The voice of pity and compassion must reach him in his home, and reach his parents also in his home. Down to the very depths of that home must it go—the probation system must recognize that in the moral as in the material world, the rain and the sunshine of pity and compassion is for the roots of the plant as well as its flowers."

But even in this, there is nothing radically new. Massachusetts has had probation, not only in the case of minors, but even

in the case of adults, for nearly forty years, and several other states now have provisions for the suspension of a criminal sentence in the case of adults, permitting the defendant to go free, but subject to the control of a probation officer. Wherever juvenile courts have been established, a system of probation has been provided for, and even where as yet the juvenile court system has not been fully developed, some steps have been taken to substitute probation for imprisonment of juvenile offenders.

In some jurisdictions, the court appoints probation officers and in others, they are selected through civil service examinations. In the early statutes, no provision was made for payment of salaries by the state or county. This is now generally changed without prejudice, however, to the right of the judge to appoint volunteers for the work. With New York and Massachusetts as leaders, commissions have been appointed in some states, charged with the duty of regulating and overseeing the probation work of the officers, a measure essential both for efficiency and for uniformity in method.

Most of the children who come before the court are, naturally, the children of the poor. In many cases, the parents are foreigners, frequently unable to speak English. These poor people have not been able to give to their offspring the opportunities and the supervision that many children enjoy. The parents often do not understand our American methods and views. What they need, more than anything else, is kindly assistance; and the aim of the court, in appointing a probation officer for the child, is to have the child and the parents feel, not so much the power, as the friendly interest of the state; to show them that the object of the court is to help them to train the child right; and therefore the probation officers must be men and women fitted for these tasks.

Their duties are oftentimes of the most delicate nature. Tact, forbearance and sympathy with the child, as well as a full appreciation of the difficulties that the poorer classes, and especially the immigrants, are confronted with in our large cities, are indispensable. The New York Probation Commission say, in their second annual report for the year 1908, p. 32:



"In courts where the probation system is most effectively conducted there is great variety in the work done by probation officers. The most successful workers regard the receiving of reports from probationers as much less important than the visiting and other work done by the probation officers. The probation officers obtaining the best results enter into intimate friendly relations with their probationers, and bring into play as many factors as possible, such as for instance, securing employment for their probationers, readjusting family difficulties, securing medical treatment or charity if necessary, interesting helpful friends and relatives, getting the co-operation of churches, social settlements and various other organizations, encouraging probationers to start bank accounts, to keep better hours, to associate with better companions, and so forth."

Mr. Homer Folks, chairman of this commission, and perhaps the leading authority in the country on child-saving work, put the matter well, when he said (Conference of Charities and Correction, 1906, p. 117) :

"It is the personal influence of the probation officer, going into the child's home, studying the surroundings and influences that are shaping the child's career, discovering the processes which have been exercising an unwholesome influence, and, so far as possible, remedying these conditions—this is the very essence of the probation system. The friendly side of the probation officer's work is its important side. His duty is by no means simply that of securing information for the court as to the child's conduct, but that of securing reformation. He is not to be a dispassionate observer but an active influence. Without such work on the part of probation officers, without probation officers qualified to conduct such work and to carry it on consistently and without intermission, the court is practically helpless. . . . .

"The probation system is really a new way of treating offenders. It provides a new kind of reformatory, without walls and without much of coercion, but nevertheless seeking to bring to bear upon each child the influences which will make for his betterment, and seeking to provide for him, so far as possible in his own home, opportunities and facilities for education and discipline, which we have heretofore provided only in an institution. . . . .

"The work of the probation officers must therefore, begin, if it does not begin earlier, the very moment the child leaves the court. It must utilize to the fullest degree whatever advantages



there are in the shock caused by apprehension of the child, by the court proceedings and the judge's counsel. It must, by force of personal influence, and in whatever ways may be possible, build up a strong influence in the home of the child."

While the paid, trained worker is today recognized as essential in all fields of philanthropy, nevertheless, to obtain the fullest measure of success, the active co-operation of the charitably inclined, as volunteer assistants, must be secured, particularly in our large cities where the authorities have been disinclined to provide for a sufficient number of paid probation officers, with the result that there are frequently assigned from one to two hundred cases to the officer of a district, far too many for one man or woman to care for thoroughly.

If for every boy and girl that comes into court, there can be found one real friend, imbued with the spirit of human brotherhood—a phrase that passes our lips so readily but is achieved in the lives of so few of us,—willing to give, not that which is so easy for anyone who has a surplus above his needs, money, but that which is hardest for most of us to part with, our time, our thought; who will occasionally take the lad into his own home, or with his own boys to the ball game or to the theatre; who will help him to find a job, who will be genuinely interested in him and in seeing that his father and his mother do their duty toward him, the problems of the court will be well nigh solved.

In a number of communities, juvenile court committees have been formed by public-spirited citizens for the purpose of conferring with the probation officers, assisting in and co-ordinating their work, helping the judge, and where the public authorities fail to provide paid probation officers, supplying the necessary funds. In this way, the probation officer is not left to his or her unaided judgment and effort in the performance of these most difficult and delicate tasks. Moreover, supervision is secured for the work, and the danger of its running into ruts and becoming perfunctory is checked.

Just a few words about the actual court procedure and practice. In the first place, the number of arrests is greatly decreased. The child and the parents are notified to appear in

court and unless the danger of escape is great, or the offense very serious, or the home totally unfit for the child, detention before hearing is unnecessary. Children are permitted to go on their own recognizance or that of their parents, or on giving bail. Probation officers should be, and often are, authorized to act in this respect. If, however, it becomes necessary to detain the children either before a hearing or pending a continuance, or even after the adjudication, before they can be admitted into the home or institution to which they are to be sent, they are no longer kept in prison or jails, but in detention homes. In some states the laws are mandatory that the local authorities provide such homes, managed in accordance with the spirit of this legislation. They are feasible even in the smallest communities, inasmuch as the simplest kind of building best meets the need. In this building the court may be held, as is done in some of the larger cities.

The jurisdiction to hear the cases is generally granted to an existing court having full equity powers. In some cities, however, special courts have been provided, with judges devoting their entire time to this work. If these special courts can be constitutionally vested with full and complete chancery and criminal jurisdiction, much is to be said in favor of their establishment. In the large cities particularly, the entire time of one judge may well be needed. It has been suggested from time to time that all of the judges of the municipal or special sessions courts be empowered to act in these cases, but while it would be valuable in metropolitan communities to have more than one detention home, more than one court house, nevertheless it would seem to be even more important to have a single Juvenile Court judge. The British government has adopted this policy for London. Mr. Herbert Samuels stated (Hansard, 4th ser., v. 186, p. 1298) during the debate on the Children's Act:

“It is impossible to bring all the children, witnesses, parents, probation officers and other persons concerned into one central Court. The best course will be to establish four places of detention in different parts of London. . . . I hope it will be practicable in these places to provide rooms, without any addi-

tional cost or very small additional cost which can be used as Court houses. The children's magistrate could visit in turn these four houses. . . . . The result would be that a certain number of children would be kept over night sometimes, when they could not be released on bail; but all those that I have consulted agreed . . . . it is better to keep, if necessary, a small number of children in detention for one night than to forego the great benefit of having a special magistrate to deal with these cases."

By the Colorado act of 1909, provision is made for hearings before masters in chancery, designated as Masters of discipline, to be appointed by the Juvenile Court judge and to act under his direction. This may prove to be the best solution of a difficult problem, combining as it does the possibility of a quick disposition of the simpler cases in many sections of a large city or county, with a unity of administration through the supervisory power of a single judge.

The personality of the judge is an all-important matter. The Supreme Court of Utah, in the case of *Mill vs. Brown*, *supra*, commenting upon the choice of a layman, a man genuinely interested in children, pointed out that

"To administer juvenile laws in accordance with their true spirit and intent requires a man of broad mind, of almost infinite patience, and one who is the possessor of great faith in humanity and thoroughly imbued with that spirit.

"The judge of any court, and especially a judge of a juvenile court, should be willing at all times, not only to respect, but to maintain and preserve, the legal and natural rights of men and children alike. . . . . The fact that the American system of government is controlled and directed by laws, not men, cannot be too often or too strongly impressed upon those who administer any branch or part of the government. Where a proper spirit and good judgment are followed as a guide, oppression can and will be avoided. . . . .

"The juvenile court law is of such vast importance to the state and society that it seems to us it should be administered by those who are learned in the law and versed in the rules of procedure, to the end that the beneficent purposes of the law may be made effective and individual rights respected. Care must be exercised in both the selection of a judge and in the administration of the law."

The decision but emphasizes the dangers that beset the path of the judge of the juvenile court. The public at large, sympathetic to the work, and even the probation officers who are not lawyers, regard him as one having almost autocratic power. Because of the extent of his jurisdiction and the tremendous responsibility that it entails, it is, in my judgment, absolutely essential that he be a trained lawyer, thoroughly imbued with the doctrine that ours is "a government of laws and not of men."

He must, however, be more than this. He must be a student of and deeply interested in the problems of philanthropy and child life as well as a lover of children. He must be able to understand the boy's point of view and ideas of justice; he must be patient, and willing to search out the underlying causes of the trouble and to formulate the plan by which, through the co-operation, oft-times of many agencies, the cure may be effected.

In some very important jurisdictions, the vicious practice is indulged in of assigning a different judge to the juvenile court work every month or every three months. It is impossible for these judges to gain the necessary experience or to devote the necessary time to the study of the new problems. The service should under no circumstances be for less than one year, and preferably for a longer period. In some of our cities, notably in Denver, the judge has discharged not only the judicial functions, but also those of the most efficient probation officer. Judge Lindsey's love for the work and his personality has enabled him to exert a powerful influence on the boys and girls that are brought before him. While doubtless the best results can be obtained in such a court, lack of time would prevent a judge in the largest cities from adding this to his strictly judicial duties, even were it not extremely difficult to find the necessary combination of elements united in one man.

The problem for determination by the judge is not, has this boy or girl committed a specific wrong, but what is he, how has he become what he is, and what had best be done in his interest and in the interest of the state to save him from a downward career? It is apparent at once that the ordinary legal evidence in a criminal court is not the sort of evidence to be heard in such

a proceeding. A thorough investigation, usually made by the probation officer, will give the court much information bearing on the heredity and environment of the child. This, of course, will be supplemented in every possible way; but this alone is not enough. The physical and mental condition of the child must be known, and it is therefore of the utmost importance that there be attached to the court, as has been done in a few cities, a child study department, where every child, before hearing, shall be subject to a thoroughly scientific psycho-physical examination.

The relation between physical defects and criminality is a very close one. Take the boy suffering with adenoid growths, whose parents through ignorance or neglect, know nothing about it; he can't breathe properly; his nerves are affected; he can't sit still; the school-room has too many pupils for one teacher (that is the trouble with all our public schools); a lack of harmony follows—what is more natural than that that boy should play hooky? And truancy is often the first step toward a career of criminality. In hundreds and thousands of cases the discovery and remedy of defective eyesight or hearing or some slight surgical operation will effectuate a complete change in the character of the lad.

The child who must be brought into court should, of course, be made to know that he is face to face with the power of the state, but he should at the same time and more emphatically be made to feel that he is the object of its tender care and solicitude. The ordinary trappings of the court room are out of place in such hearings. The judge on a bench, looking down upon the boy standing at the bar, can never evoke a proper sympathetic spirit. Seated at a desk, with the little one at his side, where he can on occasion put his arm around his shoulder and draw the lad to him, the judge, while losing none of his judicial dignity, will gain immensely in the effectiveness of his work.

It is, however, of far greater importance to keep children out of any court, than to bring them even into the juvenile court. In many communities, the influence of the probation officers in their immediate surroundings has been such, that they have become arbiters of the petty disputes and quarrels that in former

years brought not only the children but their parents into conflict and into court.

The object of the juvenile court and of the intervention of the state is, of course, in no case to lessen or to weaken the sense of responsibility either of the child or of the parent. On the contrary, the aim is to develop and to enforce it. Therefore, it is wisely provided in most of the recent acts that the child may be compelled when on probation, if of working age, to make restitution for any damage done by it. Moreover the parents may not only be compelled to contribute to the support even of the children who are taken away from them and sent to institutions, but since the Colorado Act of 1903, they, as well as any other adults, may be made criminally liable for their acts or neglect contributing to a child's dependency or delinquency. In most of the jurisdictions which have established separate juvenile courts, as well as in some of the others, all criminal cases affecting children are tried by the juvenile court judge. In drafting legislation of this kind, however, it must not be overlooked that if the proceedings against the adult are criminal, his constitutional rights must be carefully safeguarded. Following general principles, such penal acts are strictly construed, and therefore in the recent case of *Gibson vs. People*, 99 Pac. 333, [1909], the Colorado Supreme Court limited the application of the act of 1903 to the parents and those standing in a parental relation to the child. Colorado, in 1907, however, as well as several other states, expressly extended the scope of such statutes so as to include any person, whether standing in *loco parentis* or not. The Supreme Court of Oregon in *State vs. Dunn*, 99 Pac. 278, [1909], construed such legislation to refer only to misconduct not otherwise punishable.

Kentucky, in 1908, followed by Colorado in 1909, has enacted a statute drafted by Mr. Bernard Flexner, of Louisville, one of the few prominent members of the bar who have taken a profound and active interest in the work of the juvenile court, and to whom I am greatly indebted for assistance in securing material for this paper, providing for the enforcement of parental obligations, not in the criminal but in the chancery branch

of the juvenile court. A decree not merely for the payment of support money, but for the performance or omission of such acts, as under the circumstances of the case are found necessary, may be enforced by contempt proceedings.

Valuable, however, as is the introduction of the juvenile court into our system of jurisprudence, valuable both in its effect upon the child, the parents and the community at large, and in the great material saving to the state which the substitution of probation for imprisonment has brought about, nevertheless it is in no sense a cure-all. Failures will result from probation just as they have resulted from imprisonment. As Judge Lindsey has said (*Juvenile Court Laws, etc.*, p. 23) :

“It does not pretend to do all the work necessary to correct children or to prevent crime. It is offered as a far superior method to that of the old criminal court system of dealing with the thing rather than the child. That method was more or less brutal. The juvenile court system has a danger in becoming one of leniency, but as between this method and that of the criminal court, it is much to be preferred. But the dangers of leniency as well as those of brutality can be avoided in most cases. Juvenile court workers must not be sentimentalists any more than brutalists. In short, the idea is a system of probation work, which contemplates co-operation with the child, the home, the school, the neighborhood, the church and the business man in its interests and that of the state. Its purpose is to help all it can and to hurt as little as it can; it seeks to build character—to make good citizens rather than useless criminals. The state is thus helping itself as well as the child, for the good of the child is the good of the state.”

But more than this; the work of the juvenile court is, at the best, palliative, curative. We take these little human beings that are going the downward path and we try—and I think to some extent succeed—in saving them from going farther down. But that is not the most important task. The vital thing is to prevent them from reaching that condition in which they have to be dealt with in any court, and we are not doing our duty to the children of today, the men and women of tomorrow, when we neglect to destroy the evils that are leading them into careers of delinquency, when we fail not merely to uproot the wrong, but to implant in place of it, the positive good.



It is well that we have these schools for the delinquent boy and girl, it is well that when they get into them they receive a thorough technical training so that they are fitted for something afterwards, but it would be infinitely better if all children could receive that kind of an education before they reach the court; it would be infinitely better if we checked delinquency in its incipency, and the incipency generally is truancy.

To do this, we must make the school interesting, more interesting than it is today; we must provide for those children who cannot sit at their desk all day long with only mental work; we must put manual training right through the entire school system, so that there will be an outlet for their nervous energies, so that they will have something to work on with their hands instead of merely with the brain; and we must have the physician and the nurse in the school. We must not wait until the physical or mental troubles produce a state of delinquency and are discovered by the physician connected with the court.

And then, what is to be expected of the boys if they are not given a proper place to play? If they are going to be driven into the streets, naturally they will come into contact with the policeman, naturally there will be trouble, and the heroism and hero-worship that follows trouble with the public authorities. And when that sort of heroism begins, they have stepped onto the high-road to criminality. How shall they be halted? By giving the boys and girls proper play-grounds not only in our cities, but in our towns and villages. By giving them the small parks with their swimming pools and their skating-rinks and their assembly-halls and their gymnasiums. By thus giving them a chance to convert the "gang" which can't be eradicated—it is not human to go alone, the crowd is the natural thing—to convert the "gang" into a team, pulling together for good, instead of working together for evil. That is the result that has been obtained wherever these small parks have been established—especially in the congested districts of the cities. The boys get what they need. The appeal is made to their manhood and their honor. In every community there are needed separate ungraded rooms for the backward children, vacation and night-schools,



proper child-labor and compulsory education laws, above all, a living wage for the worker, and many more things I should like to touch upon in this connection, had I the time.

Just one more point. The number of girls that go wrong in a large city is enormous. The majority of them do not start in from love of lust, but from love of joy, the joy of life that is in every normal human being. Take the girl that is working all day long and then comes home to two or three rooms occupied by a large family in the slum districts that the city fails to keep clean; she doesn't want to stay there every evening, she wants to go out, she wants that pleasure and happiness that our girls want, she likes the dance and the play just as much as do our girls. We let our girls enjoy themselves in a decent way under decent surroundings, but what do we do for these girls? The public dance-hall offers them the joy and the lights and the pleasures, but if the good citizens of the town will offer them those joys, those decent, innocent pleasures, in a decent way and under proper influences, as do our settlements scattered throughout our large cities and some of the churches, the girls will choose the latter nine times out of ten, aye, ninety-nine times out of the hundred. But they must have some outlet for their energy, some satisfaction for this cry for joy and happiness, and if we do not give it to them, they will get it in another way.

In a number of communities, juvenile protective leagues have been established to carry on this preventive work of seeing to it that conditions injurious to child life are remedied, that offenses against children are punished, that the compulsory education and child labor laws, without which juvenile court legislation is well nigh worthless, are properly enforced, and to promote this constructive work of furnishing the largest opportunities for the full and complete development of a happy childhood.

I have touched upon some of the positive needs that mean so much in the growth of the child; through them, may come the prevention of that delinquency for which the juvenile court offers merely a cure. And it is to a study of the underlying causes of juvenile delinquency and to a realization of these preventive and positive measures, that we, the trained professional men, following

the splendid lead of many of our European brethren, should give some thought and some care. The work demands the united and aroused efforts of the whole community, bent on keeping children from becoming criminals, determined that those who are treading the downward path shall be halted and led back.

To quote again from the debates on the Children's Bill in the House of Commons (Hansard, 4th ser., v. 186, p. 1262) :

“ We want to say to the child that if the world or the world's law has not been his friend in the past, it shall be now. We say that it is the duty of this Parliament, and that this Parliament is determined to lift, if possible, and rescue him, to shut the prison door, and to open the door of hope.”

## COURTS OF LAST RESORT.

BY

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In America courts of last resort occupy a unique position. Our written constitutions distribute the powers of government among three departments: the legislative; the executive and the judicial. Who shall determine the limits of the jurisdiction of these several departments? This question is not answered in express words in any of our constitutions. It was answered, however, at a very early date by Chief Justice Marshall, speaking for the Supreme Court of the United States in the celebrated case of *Marbury vs. Madison*. In that case Marshall held that in deciding a controversy according to law, the judiciary—the court of last resort—was bound to apply the higher law found in the constitution, rather than an opposing law enacted by the legislative department, and consequently to declare unconstitutional, null and void the conflicting legislative enactment. It followed from this decision and this reasoning that any wrong caused by the legislative department of government exceeding its constitutional limitations could be redressed by the judiciary—by the courts of last resort. And that any wrong committed by the executive department of government in exceeding its constitutional limitations could likewise be redressed by those courts. It also followed from this decision that there was no constitutional means of obtaining redress for a wrong committed by courts of last resort in exceeding their jurisdiction. This decision made the judiciary, as has well been said, the keystone of the arch of government.

Many eminent lawyers denied the correctness of Marshall's opinion. Some eminent lawyers to-day doubt its correctness. The constitution, it is said, makes each of the departments of

government independent and equal. The decision, it is said, destroyed this equality. It made the judiciary, represented by the court of last resort supreme—the executive and the legislative departments of government subordinate. Whether Marshall's opinion was or was not correct—that is, whether he placed upon the constitution the construction intended by those who framed it—is a question which it would be idle to discuss, for that construction has been universally accepted. It was a wise construction. It furnished a constitutional tribunal to determine every question which might arise. It lessened—perhaps it banished—the danger of disruption of government arising from differences between opposing factions. The principle of this decision was not confined to its application to the national government. It applied with full force to the government of the several states. This has been universally recognized. It may be said, therefore, that as the Supreme Court of the United States is the keystone of the arch of the Federal government, so likewise the court of last resort of each state is the keystone of the arch of the government of that state.

It will be observed that this paramount authority of the judiciary rests upon the proposition that it is the duty of the judiciary to determine controversies according to the law; and the possession of this extraordinary authority has never endangered the rights of a free people, because the only way that it could be exercised was by determining controversies according to law. All our constitutions, both federal and state, may then be read as if they contained the provision: Upon the faith that our court of last resort will determine controversies according to law, we, the people, grant it supreme authority. Faith that our courts of last resort will determine controversies according to law is then the rock upon which our governments are built. That courts of last resort must determine controversies according to law is the most elementary of legal principles. This is almost the first principle learned by every lawyer, and this means every judge. Yet it is a principle which should be emphasized and re-emphasized, for it should never be lost to view. It should always be appreciated. It is not always appreciated. I will

say nothing derogatory of judges. If there is any one who believes that judges never fail to appreciate this fundamental truth, I am immensely pleased, and I will not attempt to destroy his faith. Certain it is that lawyers do not always appreciate it. If they did, they would not, as they often do, urge considerations calculated to incite feelings of sympathy and prejudice, and thereby hide from the view of the courts the legal questions involved. Nor would they seek to justify such conduct by saying, if I can succeed in convincing the judge of the merits of my client's case, I will take my chances on the law. With this conduct on the part of intelligent lawyers, it should not surprise us that laymen should have obscure views on this question. It should not surprise us that at times they should in scathing terms condemn and denounce a judge for deciding a controversy in which they are interested in accordance with law and opposed to their ideas of justice. It is impossible to believe that the man who utters such denunciation and condemnation understands the fundamental truth which I have tried to enunciate. It cannot be that he understands that judges are bound by the most sacred oath to decide controversies according to law; that faith that he should so decide them is the most fundamental of constitutional principles; that men cannot be accorded equal rights and privileges unless those rights and privileges are all measured by the common standard—the standard furnished by the law. He who appreciates this truth cannot fail to see that any effort made to induce courts of last resort to disregard the law in deciding controversies is an effort to overthrow constitutional government. I plead not for the execration of the man who makes that effort, but for his enlightenment. He should be made to appreciate the truth. Every citizen should be made to appreciate it. A greater endeavor should therefore be made to teach that truth. It should become a popular truth.

It may be asked, what difference does it make that a judge is denounced for faithfully performing the duty reposed in him by the people? His duty is none the less clear. He has no choice. He must perform it. He must say, as Chief Justice Marshall said in a similar case:

“No man is desirous of placing himself in a disagreeable situation. No man is desirous of becoming the peculiar subject of calumny. No man, might he let the bitter cup pass from him without self-reproach, would drain it to the bottom. But if he have no choice in the case, if there be no alternative presented to him but a dereliction of duty or the opprobrium of those who are denominated the world, he merits the contempt as well as the indignation of his country who can hesitate which to embrace.”

It is none the less a lamentable situation if judges of courts of last resort feel that they cannot decide a controversy according to law without losing the popular favor which alone insures their continuance in office. If such a situation confronts a judge, let us hope that he will conduct himself according to the precepts of Marshall. Every one of us can recall instances of judges who have so conducted themselves, and who have been made martyrs because they did their duty. But the people have no right to subject their judges to any such strain, and if they do, it is to be feared that some of them will not stand the test.

It often happens that the judge who fearlessly performs his duty in disregard of what he believes to be the will of his constituents finds that he has increased instead of diminished his popularity. And I think, too, that it sometimes happens that the judge who shamelessly disregards his duty in compliance with what he believes to be the will of his constituents finds that he has lost instead of increased his popularity. Each of these men believed he was making the supreme sacrifice. One, the sacrifice of his life to preserve his honor; the other the sacrifice of his honor to preserve his life. Happily for the perpetuity of American institutions, each found himself mistaken. By losing his life for the sake of duty, the one found it. By saving his life at the expense of duty, the other lost it. These experiences prove as nothing else can the capacity of the American people for self-government. There is an obligation on the part of the judge to decide controversies according to law. There is an obligation on the part of the people to respect him for the performance of his duty. In general it may be said that the people will keep the faith.

The whole duty of courts of last resort, then, is to decide the controversies brought before them according to law. To decide a controversy according to law, the court must perform two duties: first, it must understand the facts so that the real issue is clearly perceived. Second, it must find, state and apply to the determination of that issue the true rule of law. There is a possibility of the court's making a mistake in performing each of these duties. The consequences are more serious if the mistake is made in the performance of the latter duty, for then not only is an erroneous decision made in the particular case, but a precedent is set which affects the rights and duties of every one in the state. Judging from my limited experience as a member of a court of last resort, the mistake most frequently committed, however, is a failure to understand the case; a misconception of the controlling issue, resulting not, it is true, in unsettling the law, but none the less in an erroneous decision. This consequence is, however, serious enough, for I imagine it would afford little consolation to a defeated suitor to be told that the erroneous decision which denied him his right left the rights of his neighbors unimpaired.

Whenever an erroneous decision pronounced by courts of last resort arises from a failure to understand the case, the office of the argument of counsel has not been performed, for whatever else that argument should do, it should correctly analyze the facts and clearly point out the controlling issue. I think practicing lawyers would be surprised if they knew how often arguments of counsel fail to perform this important service. I am willing to concede that the reason for this failure is sometimes to be found in the inattention of the judges who constitute the court. It must be confessed that judges sometimes do not understand the argument of counsel simply because they do not give it proper attention. I think, however, that it may be said as a general proposition that the failure of courts of last resort to understand a case is chargeable to the imperfect argument of counsel. In their anxiety to achieve a victory, counsel yield to the temptation of stating the facts from the point of view most favorable to their client's interest. Frequently they undertake

to state their case in such a way as to appeal to the supposed sympathy or prejudice of the judges and to blind them to the legal questions involved. More often they bring into prominence immaterial facts which they think disclose equities in their client's favor. They place an undue emphasis upon certain material facts, overlooking other essential facts and thus contend for a decision in their client's favor upon an issue which is not the true issue in controversy. In all such cases—and such cases are altogether too numerous—the court of last resort must, without the aid of counsel, discover the true issue and the principle by which it is to be decided. It is not surprising that the court thus compelled to perform the duty of both judge and counsel should sometimes fail to perform one or the other—perhaps both—of these duties. There might be some justice in holding that counsel who improperly place the court in this dilemma is estopped from making any complaint. The question arises, what can be done to remedy this grievance? Of course, the most obvious remedy is open to counsel. They should correct their practice. They should state the facts clearly and above all, fairly. Instead of endeavoring, as many of them do, to place a construction upon the facts most favorable to their client's interest, they should do their utmost to construe them as they should be construed by a fair-minded judge. I am aware that many lawyers will say, "I owe a duty to my client to win this controversy; that duty justifies the practice you condemn." This is taking too narrow a view of our profession and of our professional obligations. We have no right to make the winning of suits the supreme object of our professional career. We should be faithful to every duty we owe our client, but we should never forget that we owe duties to society and to ourselves. These latter duties are paramount. Our client has a right to expect that we will do all that an honest lawyer can to win his controversy. He has, however, no right to ask us to do more. If his suit cannot be won by honest endeavor, it should not be won at all. We have no right to over-state his case, we have no right to mis-state his case, because we have no right to try to deceive the court. Nor is it true that the practice under consideration renders



valuable service to our clients. A lawyer is not serving his client by advancing an argument based on a misconception of the testimony; an argument which must crumble with the foundation upon which it rests. In that case he presents no argument for his client. He neglects his client's interests. He injures rather than benefits him. Indeed, I believe it may be said generally that a lawyer renders his client most efficient service when he serves him with an enlightened conscience. I think it may also be said that their lack of fair-mindedness explains why so many lawyers of the greatest ability fail to attain the highest place in our profession.

I think, too, that the judges constituting the court can do something to remedy this evil. If they can prove by their decisions that they are never misled by improper statements, they will do much to discourage it. There is no doubt that they are sometimes misled, and this circumstance affords the only adequate explanation for the fact that some lawyers of high rank persist in a reprehensible practice.

An attentive attitude on the part of judges will do much to encourage lawyers to make fair statements and proper arguments. Lawyers will hesitate to make erroneous statements to watchful, attentive and trustful judges. When a lawyer sees that he is receiving the undivided attention of an intelligent, honest, fair-minded judge, he will endeavor to merit the confidence he is receiving. Such attention, it must be confessed, he does not always receive. It must be admitted that judges sometimes do not closely attend to the arguments that are addressed to them. No one can justify this, but there is some excuse for it.

While most of the arguments addressed to a court afford aid in reaching a correct decision, it cannot be said that all of them do. Sometimes those arguments—so-called arguments—are mere aggregation of words, emanating from the mouth of a lawyer determined to use every minute of the time given him by the rules of the court. The judge who can sleep in the daytime is to be envied in such a case. He can escape what his wakeful and more unfortunate associate must endure. It is

unnecessary to state that a judge is not attentive to such an argument. If you think he is, you are deceived. That, however, is a matter of little consequence, for nothing could be gained by such attention. The serious consequence is that such experiences are, if often repeated, almost certain to create a habit of inattention—a habit that may persist when arguments should be listened to attentively. It is not true, as was once said by a waggish friend of mine, that he can always identify a member of a court of last resort by the vacant expression of his countenance. If, however, it were true, the experience I have described explains if it does not justify it. Of course, we will all agree that the judges should correct their habit of inattention and do their utmost in every way to get a clear conception of the issue in controversy. They then reach the more important duty of declaring the law which controls that issue. They must bring to the discharge of this duty all the highest judicial qualities—integrity, learning, wisdom, courage, industry and above all else, fair-mindedness. Their commission from the people authorizes them to declare the law applicable to the decision of the controversy, but it does not authorize them to declare law that is not applicable to that decision. If they do that, they usurp an authority that has never been given them. The successors of these judges when called upon to decide a controversy in which the supposed principle is applicable possess the undoubted and sole authority to determine its correctness. Moreover, without the aid afforded by the actual controversy, the court lacks one of the necessary elements to a correct determination of the controlling legal principle. For, by its application to an actual controversy, the justice of that principle can be tested. Though this test is not the only one which should be applied, it is one which can never be safely omitted. So it often happens that when judges state a legal principle inapplicable to the case under consideration, they state it incorrectly. It may be said that this mistake is not irremediable, because such a statement is not a precedent binding on the court; the court having entire liberty to repudiate it upon the ground that it is an *obiter dictum*. But I am persuaded that courts should take greater care than

they do to guard against such mistakes. Even though they are subsequently corrected, their commission tends to weaken public confidence in the courts that committed them; and the consequence of such a mistake is sometimes disastrous. The reputation of Chief Justice Taney acquired by a long life of usefulness and fidelity was almost destroyed by his decision in the celebrated Dred Scot case. It is true that the principles of that decision were detested by a majority of Americans and they believed them to be incorrect, but the reputation of this eminent jurist would not have seriously suffered had they not been persuaded that these principles were inapplicable to the controversy under consideration. Faith in him was lost because it was believed,—I think erroneously believed,—that he took advantage of his position to declare a law which he had no authority to declare.

The question arises, what is this law by which controversies are to be determined? Part of that law is in writing—commands made by the people themselves or by those to whom they have delegated authority to make laws. As to this part, it may be emphatically stated, the law applied by the court is the law made by the people. But this part is a very small part indeed of the law applied by the courts in determining controversies. Nearly all the law so applied is unwritten law. The written law, as has well been said, is only “the fringe upon the body of the law,” and after its consideration, we have not answered the question, what is the law by which controversies are determined?

Every lawyer should read and re-read Mr. James C. Carter’s excellent book, entitled “Law, Its Origin, Growth and Functions.” That book throws great light on the question, What is the law, and, at least, materially contributes to its correct answer. Whoever reads that book intelligently and diligently, though he may not entirely agree with Mr. Carter, will, I believe, be convinced that the law applied by the court in determining controversies is the same law which regulates human conduct. The ordinary individual in his every day affairs regulates his conduct by the same law which the court applies in determining controversies. The man of affairs in deciding what course

he will pursue to advance his own interest and at the same time to avoid injury to his neighbor, is engaged in the same process that the court is engaged in when it determines a controversy involving a similar question. Each is making a decision according to the law which regulates human conduct. What is the law which regulates human conduct? That is a question which I do not believe the wisest man in the world can correctly answer. That is the question the courts are constantly striving to answer, but which they have not yet answered. While we know some of the principles of this law, we do not know all of them—perhaps we do not know its fundamental principle. We can say, however, that it is the law by which a people advance from the lowest and most degraded savagery to the highest civilization—to a civilization higher and more splendid than to-day is dreamed of. Who made this law? Certainly the courts did not make it. No one ever consciously made it. “It is,” says Mr. Carter, “the form in which human conduct—that is, human life, presents itself under the necessary operations of the causes which govern conduct.” It is, I add, in the highest sense the people’s law. Courts of last resort alone possess official authority to declare this law. They possess that authority because the people have given it to them. They declare it, as has heretofore been stated, by applying it in deciding a controversy. This declaration is not the law, but it is considered the highest and best evidence of the law. We call it a precedent. It is considered the best evidence of the law because it is ascertained by the best method human ingenuity has been able to devise. If the law so declared is correctly declared; that is, if it really is a rule which regulates human conduct, the court of last resort has rendered a most beneficent service, for it is of the utmost importance that the people should know the law which regulates their conduct—the law by which they advance toward a higher civilization. As by knowing the law of health, people preserve and prolong their lives, so, by knowing the law which regulates their conduct, they make more certain and speedier progress toward their destined—their glorious—end.

This knowledge will contribute to our material, moral and also, I believe, to our spiritual upliftment.

Heretofore I endeavored to emphasize the truth, that faith that courts will determine controversies according to law is the foundation of American government. I now emphasize a truth far more important. Upon this same faith must rest—in part at least—our hope of advancing toward a higher civilization—our hope of making material, moral and spiritual progress.

But what if courts do not determine controversies according to law? Suppose that instead of correctly declaring the law, they declare it incorrectly: suppose they make a mistake in declaring the rule which regulates human conduct, and that human conduct instead of being regulated by the rule declared is regulated by an opposing rule? Human conduct will in that case be regulated by its own law and not by the declaration of the court. And this decision must sooner or later—the sooner the better—be repudiated by the courts. Fortunately, the court by declaring an incorrect rule, does not materially retard human progress, because, as already said, our conduct will be regulated by its own law and not by the rule incorrectly declared. By declaring an incorrect rule, the court merely misses an opportunity of advancing human progress. Judges sometimes take themselves too seriously. They fear they will change the law if they incorrectly declare it. Of course, they should take every care to correctly declare it. But if a collision occurs between their declaration and the law, the law does not suffer; they suffer.

If any one can prove that the law declared in a judicial decision is not in harmony with human conduct, he should not keep silent. While it is the duty of every one to uphold the judge who decides a case according to law, it is equally the duty of every one to criticise a decision which is not according to law. But the extent or severity of this criticism does not afford the test of the correctness of the law so declared. That test is afforded not by the voice of the people, but by their conduct. The test is not whether the rule is popular or unpopular, but whether human conduct is in fact regulated by it. If, by acting in accordance with this rule, we advance toward a higher civilization, it is the law. That is the test. If it does not stand this test, it is not the law.

There are two sources from which courts of last resort get the law which controls conduct—the law by which they determine controversies. One of these sources is (to quote from Mr. Carter), “a study of conduct and consequence,” and by applying in this study principles of reasoning approved by the common judgment of mankind. This is the source from which individuals get the law by which they determine their conduct. When a judge gets his law from this source, he is said to be deciding a case on principle, or according to the rule of common sense. The other source from which a court of last resort gets the law is from decisions made by itself or by other courts of last resort. When the law is taken from this source, a court is said to be deciding a case upon precedent. It is unsafe for a judge to neglect either of these sources.

The judge who deduces his law entirely from precedent—who, in other words, is a slave to precedent—is the most inefficient of judges. He will delay the decision of the most unimportant question until he finds a case in point. Having no vision of the fundamental principles of the law, he is almost certain to ridiculously misapply the precedent and thus reach a decision erroneous and often absurd.

On the other hand, the judge who never looks at authorities, who has—as he often says—a contempt for precedents, but who possesses a vigorous intelligence and sound understanding and decides all cases according to the rule of common sense, will decide the great majority of them correctly, but some of them, he will decide incorrectly. He will decide the majority of these cases correctly, because they are simple cases controlled by some principle of elementary law. He will decide others incorrectly because they are not simple and because they are controlled by a principle of law which can be discovered only by the aid of great wisdom and extraordinary powers of reasoning.

This wisdom and this power of reasoning were possessed by many of the great judges and used by them in making their decisions. The judge who decides difficult cases without examining these decisions refuses to look at the light. He refuses to get his law from the best source. By implication, he asserts

his superiority to all these great judges who have gone before him. He would be convinced if he studied their decisions that their united wisdom exceeded his.

The truth is that to decide the law with even approximate accuracy, a judge must be neither a slave nor an enemy of precedent. He must be a master of precedent and he must also be a diligent student of human conduct and its consequences, possessing a logical mind, able to reason correctly.

The decisions of courts of last resort must, at least, according to our American notions, be in written form. This is done for the double purpose of insuring accuracy—for writing is a great aid to exactness—and also that the world may know the rule of law declared and applied. Extraordinary care should be used in the preparation of these opinions. They should contain a statement of the facts essential to a clear understanding of the issue involved. Every other fact should be omitted. They should contain a clear statement of the rule of law applied to the controversy, and they should contain nothing else.

It is a mistake to attempt to discuss every proposition urged by counsel; if the proposition is manifestly frivolous; if it is based upon an erroneous conception of the record, or if it is answered by elementary principles of law, the opinion is disfigured by its consideration. Its discussion tends to conceal other and possibly important principles decided. Opinions should be appropriate to the case. If there is involved no important principle, no opportunity is presented for a great opinion, and judges make a great mistake if they attempt to write one. My limited experience as a member of a court of last resort, convinces me that the great majority of cases present no important question. Many of them are chancery cases where the controlling issue depends upon the credibility of witnesses. In such cases, I think the court does its full duty when it contents itself with the statement that it gives credit to certain testimony. I think it is a mistake to undertake to state why that credit is given. In many cases the only issue presented is determined by a construction of the record. In those cases all that the opinion can do is to state its proper construction. Many

other cases are determined by the application of principles of elementary law about which there is not the slightest question. I doubt if it is wise to publish any of these opinions in the report.

Courts should not be unduly solicitous to write opinions that will be convincing. Arguments designed to convince are often selected from considerations of a temporary and transitory nature. They are out of place in a record designed to be permanent. And though these arguments silence adverse criticism and make the opinion popular, they have little tendency to establish its correctness. Its correctness, as I have heretofore endeavored to prove, is to be tested by its application to human conduct.

Seldom is the judge of a court of last resort given the opportunity to write a great opinion. This is most fortunate. That opportunity may come, however, and if it comes, it comes unheralded. It may be found that in some meager record, poorly briefed, there is presented for decision an issue which requires the declaration and application of a rule of law never before discovered. It may be in a case which must be decided without precedent; it may be in a case which must be decided in opposition to all precedent. No judge should crave such a task; no judge should shrink from the responsibility of performing it. If it comes, he should pray that he may be equal to his opportunity; that he may contribute to the advancement of humanity by correctly declaring the law.



**REPORT**  
**OF THE**  
**COMMITTEE ON JUDICIAL ADMINISTRATION AND REMEDIAL**  
**PROCEDURE.**

*To the American Bar Association:*

Your committee report: That there was referred to your committee at the last session of the Association the following subject for consideration: "Assimilation of Practice in Law and Equity in Federal Courts."

Inasmuch as the special committee of fifteen is considering this subject among others, your committee has thought that no benefit would be derived from a special report, and have therefore not attempted to deal with the subject referred to them, and will not unless otherwise instructed.

There is another matter, however, which the special committee of fifteen has not considered in its report, but which in our opinion is quite as important as some of the questions which that committee has deliberated and passed upon.

As the law now stands, every case of sufficient pecuniary interest determined by the courts of the District of Columbia may be reviewed as of course in the Supreme Court of the United States. Your committee perceives no reason why greater rights should be accorded litigants in the District of Columbia than elsewhere in the United States, and it would expedite litigation and relieve the Supreme Court of the United States if the right of appeal to that court in the District of Columbia were allowed only in the same manner and under the same regulations and in the same cases as from the courts of the judicial circuits of the United States: and to this end your committee recommends that this subject also be referred to the special committee of fifteen

[with directions to urge upon Congress the passage of a bill in substance as follows:]<sup>1</sup>

Respectfully submitted,

HENRY D. ESTABROOK, *Chairman*,  
WILLIAM P. BREEN,  
THOMAS J. KERNAN,  
CHARLES F. AMIDON,  
GEORGE A. FOLLANSBEE.

[A BILL<sup>1</sup>

TO REGULATE THE RIGHT OF APPEAL TO THE SUPREME COURT  
OF THE UNITED STATES FROM THE COURTS OF THE  
DISTRICT OF COLUMBIA.

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled:*

SECTION 1. That a writ of error or an appeal from a final decision of the courts of the District of Columbia shall be allowed and may be taken to the Supreme Court of the United States in the same manner and under the same regulations and in the same cases as from the courts of the judicial circuits of the United States; and such writ of error or appeal shall be allowed in all cases where the Constitution of the United States or a treaty thereof or an act of Congress is brought in question and the right claimed is denied.

SEC. 2. That all laws and parts of laws inconsistent herewith are hereby repealed.]

<sup>1</sup> Report amended so as to withdraw the portion in brackets and also the bill. See Proceedings, ante pages 22, 23).

**REPORT !**  
**OF THE**  
**COMMITTEE ON LEGAL EDUCATION AND ADMISSIONS TO**  
**THE BAR.**

*To the American Bar Association:*

The Committee on Legal Education and Admissions to the Bar submits the following report:

The occasion does not seem to demand a comprehensive review of existing conditions affecting legal education or of the rules governing admissions to the Bar. These matters were so fully dealt with in the report last submitted that their further consideration may properly be deferred to a subsequent time.

The committee deems it proper, however, at this time to again draw attention to the desirability of securing the protection of law degrees by a uniform law. It considers the subject one eminently fitting for the consideration of the Association. It is not necessary to remind the members of this body that one of the objects which the Association was formed to promote, as the Constitution specifically states, is, among other things, to secure "uniformity of legislation throughout the union." In recent years there has been a growing conviction on the part of thoughtful men in all parts of this country that there are some subjects within the province of state legislation which are of such a character and of such importance as to make desirable a uniformity in the legislation of all the states in so far as it may be possible to secure it. Much has been done with this end in view, in the past few years, both inside and outside of this Association.

The history of the American Bar Association shows that the profession in the United States as represented in this body feels a profound interest in legal education, and takes a just pride in the law schools of America. It would be a sad reflection upon the intelligence and character of the American lawyer were it otherwise. One of the leading purposes of this Association has

been, and continues to be, to advance the standards of legal education throughout this country in order that those who come to the Bar in the United States may be well educated men, who have secured a thorough training in legal science. The Association already has accomplished much in this direction, and what it has done to promote the cause of sound legal learning has been often mentioned both in this country and in Europe, as being among the best of its achievements.

In view of the past history of the Association and of its record in matters which pertain to the cause of legal education the committee feels assured that it is amply justified in bringing before you the question of the desirability of a uniform law respecting law degrees. Uniform laws respecting negotiable instruments, —sales, warehouse receipts, stock certificates, partnerships and the like are not the only uniform laws which should interest this Association.

In the report submitted in 1907 the committee stated that “in its opinion a distinct and very particular service can be rendered to the cause of legal education in the United States by securing the enactment in the several states of a uniform law regulating the right to confer law degrees.” (Proceedings A. B. A., 1907, p. 574.)

The committee, in its report submitted in 1906, took a similar position. (Proceedings A. B. A., 1906, pp. 487, 490.)

The further consideration of this subject has only served to strengthen the opinion which was expressed in 1906 and in 1907.

During the year the committee has addressed the deans of the various law schools in the United States with the view of ascertaining whether they favor or oppose a uniform law.

The deans of but twelve schools, a very small minority, announced themselves as opposed to the movement. They were the deans of the following schools:

Albany Law School,  
Alabama University,  
Catholic University of America,  
Columbia University,  
Georgia University,  
Harvard University,

Leland-Stanford University,  
Maryland University,  
National University,  
Trinity College,  
Washington & Lee University,  
University of Virginia.

The dean of the Law School of the University of Chicago, in answer to the question whether he was opposed, wrote: "Yes, for the present, except such as would prohibit 'fake' schools and perhaps correspondence schools from conferring degrees." He is, therefore, not included in the above list, as he favors some legislation on the subject.

The reasons for opposition, so far as they have been assigned, seem to be:

1. That the question is a local one.

The dean of the Law School of the University of Virginia wrote: "The question seems to me to be a local one, depending on local conditions. We have no need for legal regulation on this subject in Virginia."

2. That degrees are not of sufficient importance to justify an attempt to secure uniform legislation concerning them.

The dean of the Law School of Trinity College wrote: "I do not think degrees of sufficient importance to justify an attempt at uniform legislation." In this opinion the dean of the law school of the National University also shares. He wrote: "The triviality of this subject is unworthy of serious attention . . . . The widest possible diffusion of legal knowledge is desirable. Any step in the direction of establishing an educational hierarchy should be discouraged . . . . The three or four real American universities need no protection . . . . Degrees should be abolished along with other meaningless titles . . . . The proposed legislation is vicious, trivial, un-American, an entering wedge for unavowed purposes and responsive to no demand by the profession of the law upon the profession of pedagogics."

3. That it is impracticable to secure it.

The dean of the Law School of the Leland-Stanford University wrote: "We are not in favor of an attempt to secure uniform legislation on this subject, for the reason that we believe it impracticable."

4. That each institution should be its own judge to determine the conditions under which it will award degrees.

The dean of the Law School of the University of Maryland wrote: "Let each university regulate its degrees as it deems best."

The dean of the Law School of the University of Georgia wrote: "There are two law schools in this state, having each a one-year course, and conferring the degree of Bachelor of Law. The University adopted the two-years' course in the year 1901. It is not the policy of the University to advocate any measure looking to the curtailment of the rights of other schools. The action of the University sufficiently defines her position as to her own duty and responsibility."

The dean of the Columbia University Law School did not state his reasons, but said he was opposed to legislation.

The dean of the Law School of the Catholic University of America is in favor of uniformity in the matter of law degrees, but he thinks it should be secured by agreement between the universities and not by legislation.

The dean of the Harvard Law School thinks an attempt to secure uniformity by legislation will prove futile and he does not believe that the American Bar Association should concern itself with the matter.

The argument in favor of a uniform law was set forth at length in the reports of 1906 and 1907. The committee does not deem it necessary to go over the ground again in the present report. It is content to reaffirm its conviction of the desirability of a uniform law, and to state that the reasons set forth in the two previous reports seem to it amply sufficient to justify the conclusion which was reached on this subject.

That conclusion, so far as the committee is concerned, has not been shaken by a consideration of any of the objections which have been made by those who view the matter in a different light. While not deeming it necessary to re-state the affirmative argument in favor of a uniform law, it seems proper to consider briefly the objections which have been suggested.

The committee dissents from the view that the conditions under which law degrees are to be conferred should be determined by local considerations. An applicant for admission to the Bar should know the law, and that without reference to whether he is going to practice in one section of the country or another. This

Association, in recommending the law schools to establish a three-years' course, made its recommendation general, and not to the law schools of a particular section. And when it recommended that the schools should require applicants for admission to have at least a high school education, its recommendation was again general and not sectional. If a man who has not had a high school education, or its equivalent, is not qualified to study law, his disqualification is the same, whether he lives in one part of the country or some other.

The conditions may be satisfactory in Pennsylvania, in Massachusetts or in New York, or, as Dean Lisle says, in Virginia, without further legislation, but if they are unsatisfactory in other states it would seem that the local situation should yield out of consideration for the general welfare.

President Schurman, of Cornell University, wrote the committee: "From a national point of view it may be advisable to secure a uniform law to regulate the *confirming* of law degrees in the several states. In New York State, however, we do not feel keenly the need of such legislation, as the Regents of the University of New York State protect us against serious abuses and constantly legislate in the direction of uniformity."

This Association has determined that three years ought to be the length of a law school course, and most of the law schools throughout the country are now three-year schools. The committee submits that the Association is not prepared to admit that the question is local, and that if a school happens to be in Georgia or in Tennessee its course should be one year and its graduates should be granted an LL. B. degree, and that if the school happens to be in Virginia its course should be two years with an LL. B. degree.

The committee dissents also from the opinion that degrees are not of sufficient importance to justify an attempt to secure uniformity of legislation concerning them.

The right to confer degrees is derived from the law. If degrees are of sufficient importance to make necessary such authorization, it is difficult to see why they are not sufficiently

important to justify uniformity in the authorization as proposed by the committee. In Europe degrees are considered of sufficient importance to justify legislation, prescribing the conditions under which they are conferred. In some countries the result is obtained by investing the minister of education with authority to fix standards, and in others, as in Scotland, by direct legislation. The want of such authority and the lack of uniformity in this country has caused American degrees to be discredited throughout the world.

In stating his objection that degrees are not of sufficient importance to justify uniformity of legislation, the dean of the Law School of Trinity College, North Carolina, adds: "If degrees are given they should be given only to those learned in the law." Precisely so. But the lack of any legislation makes it certain that degrees will be given to persons who are not learned in the law, and it invites the evil. A condition which makes it possible for any institution to give the degree of LL. B. to those who study law for one year, as a few institutions are doing, certainly affords no protection against the degree being granted to large numbers of persons who are not "learned in the law." It may be granted that under a law which restricts the conferring of a degree to those who have studied for three years the degree may still be obtained by persons not "learned in the law." Under such a law, however, the danger of the degree being unworthily granted would be greatly diminished. To admit that it is wrong to grant degrees to the unlearned, and at the same time object to any law which aims to correct the evil, seems to the committee a wholly untenable position.

In this connection the Association is reminded that it is already on record in favor of strict state supervision of the degree-conferring power. (See Proceedings for 1898, pp. 27-31.) That being the case, the question which is left for the Association to consider is whether it is not desirable that the supervision should be exercised by a uniform law. The committee does not consider it necessary to argue further the desirability of supervision and legislation, as it deems that question closed by the attitude previously taken.



The committee dissents from the position that the attempt to secure a uniform law should not be made because it will be impossible to get every state to adopt it.

It may be impossible to secure the adoption of a uniform law in all the states at the present time, or at any time. But that fact, if it be a fact, certainly does not seem to afford any adequate reason why the American Bar Association should decline to say that some uniform law on the subject is desirable.

The particular objection referred to, with as much reason, might have been urged to defeat the action which was taken by this Association when it recommended all law schools to establish a three-years' course of study for the degree of LL. B., and that they should require a high school education of an applicant for admission, and that all candidates for admission to the Bar who are not graduates of a three-years' law school should be required to study law four years.

The improbability of favorable action in all the states did not prevent this Association from recommending the adoption of the uniform laws as to negotiable instruments, sales and warehouse receipts.

The question is not whether the advice of the Association will at once, or in course of time even, be followed in all the states. The point at issue is whether uniformity, attained by legislation, is or is not desirable. Upon that question the committee thinks there ought to be no difference of opinion.

A particular law degree should represent some definite or uniform period of legal study. In a country which permits law schools to be organized and to confer degrees under a general incorporation law, it is idle to expect any uniformity to be reached upon this subject except by legislation. And it is clear to the committee that any impracticability of having all the states adopt a uniform law constitutes no adequate reason why this Association should be deterred either from expressing the opinion that such a uniform law is desirable, or from lending its influence to a movement which seeks to secure such a law in as many of the states as possible.

It may possibly be said by some that it is a mistake to encourage legislative bodies to legislate on the subject of degrees. But the committee submits to the candid judgment of the Association whether it is not wiser for the law-making body, in granting the degree-conferring power to any who may choose to incorporate under a general law, to specify what degrees may be granted and the conditions under which they may be conferred, than it is to allow the self-constituted incorporators, actuated often by commercial purposes only, to award degrees upon their own terms and without any supervision or restriction by the state. The evils which result under the latter system are notorious and disgraceful, and were so fully commented upon in the report submitted in 1907 that it is unnecessary to further enlarge upon that phase of the subject. If the argument that the legislature may abuse its power and the governor may acquiesce in the abuse is to be urged to defeat the proposed legislation, the committee suggests that the same argument could be made and with equal reason against legislation on almost any subject. It is always possible that a power may be abused, but that fact does not justify the conclusion that the law-making body will abuse its trust or that the governor will permit the abuse. It is very much to be preferred that the sovereign power of the state should itself determine the general conditions under which degrees should be granted than it is to allow the utmost freedom to irresponsible persons to confer degrees according to their own pleasure, and in such manner as will best promote the selfish and commercial motives by which many of them are unfortunately actuated.

Assuming that a uniform law of some kind is desirable, the question that remains for consideration is concerning the provisions which should be incorporated in the act. The committee in 1907 submitted the draft of a proposed law. (See Proceedings A. B. A., 1907, pp. 590.) The committee resubmits for the consideration of the Association the act then proposed, making, however, a slight change in phraseology in a few particulars to make its meaning perhaps more definite, and in addition one material alteration. The act as now submitted is changed so as

to withdraw any degree-conferring power from the one-year schools. There is now but one one-year school in the United States, so far as the committee has been able to ascertain. It seems so absolutely improper for a school to give a degree after one year's study of law that the committee is unwilling, on further reflection, to appear to lend sanction to it by proposing as a desirable law one which authorizes such practice.

The act, which four of the five members of this committee approves, is as follows:

### AN ACT

#### TO REGULATE CONFERRING OF LAW DEGREES.

*Be it enacted by, etc.*

SEC. 1. Any educational institution providing instruction in law, and which may be hereafter incorporated, or which has been incorporated heretofore under an act subject to amendment, shall have authority to confer the law degrees herein mentioned, in accordance with the conditions by this act prescribed, and not otherwise.

SEC. 2. The degree of Bachelor of Laws (LL. B.) and Bachelor of Civil Law (B. C. L.) may be conferred by an institution which maintains a course of law for undergraduates, which course extends over three academic years, of at least eight months in each year, provided said institution requires of applicants for admission to its classes as candidates for a degree an education equivalent to that possessed by one who has completed a course required for graduation from a high school in this state, and, in addition, requires candidates for such degrees to carry at least ten hours of classroom work a week throughout each academic year in that institution or in some other institution qualified under this act to grant such degrees.

SEC. 3. The degree of Bachelor of Law (L. B.) may be conferred by an institution which maintains a course of law for undergraduates, which course extends over not less than two academic years of at least eight months in each year, provided

said institution requires of applicants for admission to its classes an education equivalent to that possessed by one who has completed a course required for graduation from a high school in this state, and, in addition, requires candidates for such degree to carry at least ten hours of classroom work a week throughout each academic year in that institution or in some other institution qualified under this act to grant such degree.

SEC. 4. The degree of Master of Laws (LL. M.) may be conferred only by institutions authorized by this act to confer the degree of Bachelor of Laws, and shall be granted only to persons who have studied law for not less than one full academic year after obtaining the Bachelor's degree in Law and prosecuting such study in residence at the institution conferring the degree.

SEC. 5. Institutions authorized by this act to confer the degree of Bachelor of Laws may confer the degrees of Doctor of Civil Law (D. C. L.) and Doctor of Law (J. D.); but such degrees shall be granted only to persons who have previously obtained the degrees of Bachelor of Laws and a degree in Arts or Science, or, in lieu of a degree in Arts or Science, have received an education equivalent to that required for such a degree, and who shall thereafter complete two full academic years of work done in residence at the institution granting the degree, or at some other institution qualified under this act to grant it.

SEC. 6. The degree of Doctor of Laws (LL. D.) shall not be conferred upon examination, but only *causa honoris*.

SEC. 7. No correspondence school of law shall confer any degree mentioned in this act.

SEC. 8. Whoever, contrary to the provisions of this act, offers or grants any law degree, as a school or as a private individual alone or associated with others, shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than one year, or both by such fine and imprisonment.

The above act is approved by the deans of the following schools:

Boston University,  
Chicago Law School,  
Cincinnati University,  
University of Colorado,  
Cornell University,  
Creighton College of Law,  
Dickinson School of Law,  
Epworth University,  
Fordham University,  
George Washingt'n University,  
Georgetown University,  
Illinois College of Law,  
University of Illinois,  
Illinois Wesleyan University,  
Indiana Law School,  
Indiana University,  
Iowa University,  
John B. Stetson University,  
John Marshall Law School,  
University of Kansas,  
Lincoln College of Law (Law  
Department of St. Ignatius  
College, Chicago),  
Marquette University,  
Mission University,

Nebraska University,  
New Jersey Law School,  
North Dakota University,  
Northwestern University,  
Notre Dame University,  
Oregon University,  
Pittsburgh Law School,  
University of Southern Cali-  
fornia,  
South Dakota University,  
St. Paul College of Law,  
St. Louis Law School (Wash-  
ington University),  
Syracuse University,  
Tulane University,  
University of Pennsylvania,  
University of the South,  
University of Tennessee,  
University of Utah,  
Vanderbilt University,  
University of Washington,  
Weston Reserve University,  
Yale University,  
Y. M. C. A. Evening Law  
School (Columbus, Ohio).

The act is disapproved by the deans of the following schools having a three-years' course:

Catholic University,  
Columbia University,  
Chicago University,  
Harvard University,  
Leland-Stanford University,  
Maryland University,  
Michigan University,

National University,  
New York University,  
Ohio University,  
Trinity College,  
University of Virginia,  
University of Wisconsin,  
Washington College of Law,

And it is disapproved by the deans of the following schools having a two-years' course:

Alabama University,  
Albany Law School,  
Central University of Ken-  
tucky,  
Georgia University,  
Mississippi University,

New York Law School,  
North Carolina University,  
Transylvania University,  
University of South Carolina,  
Valparaiso University,  
Washington & Lee University.

It thus appears, so far as the opinion of the schools is reflected by the opinion of the deans, that the general sentiment not only favors a uniform law, but the uniform law proposed by the committee.

The dean of the Law School of the University of Colorado states that he approves the act, but can see no excuse for authorizing either the degree of L. B. or that of J. D., and would like the act amended in these particulars.

The dean of Drake University Law School writes that he is in favor of a uniform law, but is opposed to the proposed act, as it lowers existing standards by permitting the LL. B. degree to be granted after two years' study of the law. He has manifestly fallen into error, as the act confers no authority to grant the LL. B. degree in two years.

The dean of the Law School of the University of Tennessee states that he is not opposed to a uniform law and that he approves the proposed act conditionally. He says: "I favor a uniform American standard of law degrees, but have little hope of getting it established; still I am willing to promote the tendency that will some day establish such a result. Some features of the above act do not accord with our university scheme and I do not favor them, but I am unwilling to stand in the status of adversary."

The dean of the Law School of South Carolina wrote the committee:

"Categorical answers to the questions contained in the blank enclosed with your letter have not been forwarded to you for the reason that they would probably give the impression that this law school is not in favor of the report made by the majority of the committee. Each member of our Law Faculty, which consists of only three, is, I feel sure, in hearty sympathy with the general object of the proposed uniform law on the subject of law degrees.

"Unfortunately, however, our state is not yet ready for such legislation. This school is the only law school in the state. The course extends over two years of nine months each, the graduates being admitted to the Bar of South Carolina on motion.

"A bill for the establishment of a state board of law examiners has been before our General Assembly for two sessions, but

has not yet passed. If this bill becomes a law, as I hope it may at the next session, it will improve conditions very much.

"At present a student applying for admission to the Bar is not required to have studied law for any prescribed period. The consequence is that each year students at this school pass the Supreme Court examination before they have completed their law course, and in a good many instances, begin the practice of the law forthwith.

"I have said this much, feeling that some explanation is due when a law school seems not to lend its influence, however small it may be, to such an excellent law as that proposed by your committee."

The dean of the Law School of the Central University of Kentucky wrote: "I approve the entire act except in so far as it withholds from two-year schools the right to confer the LL. B. degree."

The dean of the Washington College of Law (D. C.) expressed approval of the act with the exception of the clause requiring ten hours per week of classroom work, adding that "six hours of classroom work, when quizzing is conducted, is more than the equivalent of ten hours of the ordinary lecture hour."

The dean of the Valparaiso University Law School objects to the act, and says: "The attempt to make the length of time spent in residence as the sole basis (for degrees) seems unfair to those students of best ability."

As the reasons which led the majority to the conclusion reached were fully set forth in the report of 1907, no reason appears for further enlarging upon it at this time.

The two serious questions, therefore, if they may be called such, which arise in respect to the provisions of the law as proposed remain to be considered:

The first is whether the right to confer the LL. B. degree shall be restricted to schools having a three-years' course, the schools having a two-years' course to be allowed to grant only the L. B. degree as in Scotland.

Some law schools, though a very decided minority, have not yet adopted a three-years' course, as was recommended by this Association.

It does not seem to the committee fair that schools having a three-years' course and those having only a two-years' course should grant to their graduates exactly the same degree. It is an injustice to the three-years' schools and to their graduates and to the public.

In England no degree in law can be obtained in two years. In Scotland it can be, but the Scotch law expressly provides that the law degree granted at the end of two years shall be that of L. B., and the degree granted at the end of three years shall be that of LL. B. If in the United States we are to have two-years' schools and if they are to grant degrees, they should be distinguished from those granted by the large majority of the schools, which are now on the three-years' basis. This is upon the assumption that degrees mean something and ought to mean something, and that that something should indicate that those to whom they are awarded have studied law in a law school for a definite period and passed satisfactorily examinations on their law studies.

The second serious question is whether the J. D. degree should be granted for graduate work solely as proposed in the majority report, or as a full degree in law at the end of three years of undergraduate study of the law, provided the person has previously obtained a degree in arts or sciences, as proposed in the minority report of last year.

In the opinion of four of the five members of the committee of 1907 it was thought that this degree should only be granted to graduate students for advanced work done after the first degree in law was obtained. Since that report the personnel of the committee has changed, two of the former members having retired, but the two new members share in the opinion expressed by the majority in the former report. The present committee, therefore, stands as did the committee of 1907, four to one in favor of the provision concerning the J. D. degree as embodied in the act proposed. The dissenting member, now as then, is Mr. Beale. In the minority report which Mr. Beale made in 1907 he said:

"I am obliged to dissent in *one comparatively unimportant particular* from the report of the committee: namely, its recommendation as to the J. D. degree."



If the objection he makes is, by his own admission, to a comparatively "unimportant particular" in the act, it would seem that that "unimportant particular" should not embarrass the Association in reaching a conclusion as to the merits of the act as recommended by the majority, in view of the fact that the law schools of the country are practically unanimous in their opposition to the minority report and in favor of that made by the majority.

The committee this year addressed a letter to the deans of the various law schools, asking their opinion of this particular question, as to the granting of the J. D. degree. Their attitude appears in the following table:

For the majority report of 1907:

University of Colorado,	Dickinson School of Law,
University of Illinois,	Epworth University,
University of Indiana,	Fordham University,
University of Iowa,	George Washingt'n University,
University of Kansas,	Georgetown University,
University of Missouri,	Illinois College of Law,
University of Nebraska,	Illinois Wesleyan University,
University of North Dakota,	Indiana Law School,
University of Oregon,	John B. Stetson University,
University of Pennsylvania,	John Marshall Law School,
University of Southern California,	Marquette University,
University of South Dakota,	New Jersey Law School,
University of Tennessee,	Northwestern University,
University of Texas,	Notre Dame University,
University of Utah,	Pittsburgh Law School,
University of Washington,	St. Louis Law School,
Albany Law School,	St. Paul College of Law,
Boston University,	Syracuse University,
Catholic University of America,	Pennsylvania University,
Central University of Kentucky,	Tulane University,
Creighton College of Law, Omaha,	University of the South,
Chicago Law School,	Valparaiso University,
Cornell University,	Vanderbilt University,
Cincinnati University Law School,	Washington (D. C.) College of Law,
	Western Reserve University,
	Yale University,
	Y. M. C. A. Evening Law School, Columbus, Ohio.

For the minority report of 1907:

University of Chicago,  
Howard University,  
Michigan University,

New York University,  
Ohio State University,

It thus appears that the deans of only five schools favored the minority report.

It is to be noted that three of the five schools now confer the J. D. degree as a first degree in law. The two schools which do not confer the degree, but whose deans favored the minority recommendation, are Harvard and the Ohio State University.

Further, it is noteworthy that the deans of four schools which now confer the J. D. degree approved the report of the majority as to that degree: viz., Boston University, the Catholic University of America, George Washington University and Northwestern University. The dean of the Law School of the Catholic University of America does not approve the regulation by law of the right to confer degrees. But if there is to be any law on the subject, he states that he approves section five of the law proposed by the majority, section five being the section in dispute as to the J. D. degree. His language is: "Section five I approve: adding in the fourth line the words 'letters, theology, medicine,' and construing the word 'residence' in the last line, as indicated in section four." He had previously stated that he approved section four, provided the words in the last line, "in residence at the institution," are modified or construed to mean only "under the immediate personal instruction of the law professors of the University conferring the degree."

The Dean of the Leland-Stanford University, which confers the J. D. degree, neither favors the majority nor the minority report.

No reply was received from the dean of the University of California Law School, which confers the J. D. degree.

To summarize the answers received from the school conferring the J. D. degree, the majority report as to the J. D. degree is favored by four and the minority report by three, and both reports are opposed by one.

The Dean of the Law School of the University of Wisconsin is

not in favor of the minority report, but does not appear fully to favor the majority report. He wrote: "I have been inclined to agree in general with the report of the majority." He favors making the J. D. degree not a first degree, as recommended by Professor Beale, but an advanced degree. "It is the feeling of our faculty and of the president of the University that the J. D. degree ought not to be conferred upon students who merely succeed in passing the required number of hours for the degree in law. This degree ought to be reserved for men who have displayed more than ordinary ability in law and who are able to present in the way of a thesis a production that will indicate this unusual proficiency. In other words, the *advanced* degree ought to be given for specialization, and not as a reward for merely completing the general law course."

The committee asked the presidents of Yale, Harvard, Princeton and Cornell for their individual opinion of the matter.

President Hadley, of Yale, wrote:

"I acknowledge, with great pleasure, the receipt of the report of the Committee on Legal Education. It is one of the best pieces of work that I have seen in many years. I congratulate you and all who had a share in it, both on the report itself and on the good that it is likely to accomplish.

"The act, as proposed by a majority of the committee, seems to me to cover the ground extremely well. I have no suggestions to make for its improvement.

"So much for your second and third questions. The answer to the first leads us to a little more doubtful ground. I have the feeling that the really important thing to do is not so much to get uniformity in degrees as to get high requirements for admission to the Bar of the several states. If this action regarding degrees is calculated to help reform in the matter of Bar examinations, I should heartily approve of it. If, on the other hand, it will fix attention upon the degree and distract attention from the matter of the state Bar examination, I should fear that it would be a sacrifice of the greater to the less.

"You can judge far better than I the practical relation between these two things. I, therefore, content myself with presenting this suggestion, without further comment."

President Eliot, of Harvard, in his reply did not state what his own opinion of the question was, but contented himself with the statement that the Harvard Law Faculty adhered to the view of Professor Beale in the minority report. He also added that "The Law Faculty of Harvard University does not think it advisable to attempt now to secure a uniform law in all states of the union on the subject of degrees in law. The faculty would, of course, be glad if no degree in law could be obtained in less than three years of law school work; but it is idle to expect that the southern and western states would await any such provision at present."

The committee cannot refrain from pointing out right here that the American Bar Association did not hesitate, some years ago, to recommend the laws schools of the United States to establish a three-years' course, and to insist upon a high school education for admission, although at the time it took such action, the schools, not only in the west and south but some of those in the east as well, thought local conditions were such as to make compliance at the time impracticable. The American Bar Association will not meet its obligations or fulfill its mission unless it leads. It has accomplished much for the cause of legal education, but it has done it by taking an advanced position on all these questions and educating public opinion, and not by holding back and waiting for a public opinion to be developed before it presumed to act.

The president of Cornell University wrote he approved the majority rather than the minority report. He wrote: "As to the merits of the case I fully concur with the reasoning of the committee as contained on pages . . . that is to say, I believe that a doctorate in law should be an evidence of special and advanced attainments in the field of law and not an ornamental certificate that the candidate, besides having qualified by three years of study for the LL. B. degree, had also previously studied three or four years for the A. B. degree." He also added:

"So long as the only alternative to this category of students were law graduates who had entered the law school fresh from the high school, there was a wide difference between the two

classes of law graduates, which, in certain minds, might seem to justify some title of superiority, even though it were a brand new one like J. D. This condition of things, however, will not last long, for many law schools are now requiring at least two years of college work as a condition of admission. And the degrees of A. B., LL. B. and J. D., make a pretty strong differentiating sign for the fellow who has studied seven years after leaving the high school as against the fellow who has studied five years and receives only one degree, LL. B. Nor is that the worst. For in many of the universities which are now raising their standards of professional education, a student who spent a third year in college would be allowed to take the fourth year in law and count it towards the A. B. degree. This class of students would receive the two degrees of A. B. and LL. B. in six years. I submit it would be an undue exaltation to give them also the J. D. degree, while the poor fellow who had studied only one year less would have nothing but the LL. B. to boast of. In other words, when the requirement of two years of college work as a condition of admission to a law school becomes general, as I believe it will become reasonably general in the next few years, the absurdity of the differentiation signalized by the J. D. degree will become so obvious that either that degree will be abandoned or it will be reserved for the successful termination of the five-year course in law set forth by your committee, or it will drive out the LL. B. degree altogether. We shall not permanently have two degrees, LL. B. and J. D., based on such a differentia as that defended in the minority report."

The president of Princeton University, who studied law and whose interest in matters pertaining to legal education is well known to this Association, was unfortunately not able to respond to the committee's request prior to the publication of this report, on account of his absence from this country.

The committee does not recommend that any action be taken on this matter at the present meeting. It is content to present the subject again, and hopes that it will receive the careful consideration which it deserves, and that it may be acted upon at some later time.

The committee has endeavored to consider the subject free from bias and with open mind, and has not thought it necessary to incorporate in the report the statements received from the deans who favor the proposed law.

The committee in its report in 1907 recommended the Association to adopt the following:

*Resolved*, That in approving a high school education as a minimum requirement in general education, the American Bar Association is not to be understood as holding the opinion that such education is fully adequate to the needs of those who are to practice law. On the contrary, this Association entertains the opinion that the interests of the profession and of the state would be promoted if all candidates for admission to the Bar should be required to have education equivalent at least to two years of a college course.

In accordance with this recommendation, the Association in 1908 adopted the above resolution. (See Proceedings A. B. A., 1908, p. 19.)

Some few law schools, those of the University of Wisconsin and Yale University, have already adopted the requirements that candidates for degrees must, before entering the law school, have had two years of a college course. Other schools are advancing their standards, no doubt intending ultimately to establish a similar requirement.

The universities of Illinois, Iowa and Texas now require one year of college work as a condition of admission to their law schools.

The University of Indiana, beginning with the fall term of 1909, will require one year of college work, and in the fall of 1910 two years.

The University of Minnesota, beginning in the fall of 1909, will require one year of college work.

The University of the South and the University of Nebraska, beginning with the fall of 1910, will require one year of college work.

Cornell University and the University of Missouri have taken similar action to become effective with the session of 1911.

The Law Faculty of Michigan University has recommended the Board of Regents of that University to establish the one year of college work requirement, and similar action has been taken by the Faculty of the St. Louis Law School.

The University of the State of Washington established such a requirement three years ago.

Action has also recently been taken, establishing higher requirements for admission to the following law schools:

Alabama University,	Georgia University,
Boston University,	John Marshall Law School,
Central University of Ken-	Northwestern University,
tucky,	Vanderbilt University,
National University,	Washington & Lee University,
Tulane University,	Valparaiso University.
University of Virginia,	

The committee is also advised that the authorities of Western Reserve University have now under consideration the question of requiring two or more years of college work as a condition of admission to the law school.

The fact is well known that for several years Harvard and Columbia have practically required a college degree as a condition of admission of candidates for the LL. B. degree.

The committee in 1907 also recommended the Association to adopt the following resolution:

*Resolved*, That the American Bar Association approve the action of certain night schools in making their course one of four years, and expresses the hope that other schools will take similar action at any early day.

The resolution was adopted in 1908 in accordance with the recommendation of the committee. (See Proceedings A. B. A., 1908, pp. 19-23.)

The Illinois College of Law (Chicago) has accordingly lengthened the period of study to four years for all candidates for the degree of LL. B. in its evening classes.

The anomalous conditions which still continue in the state of New York excite surprise and provoke criticism. Four out of nine laws schools in that commonwealth have two-year courses for the LL. B. degree and a fifth school, while having a three years' course, graduates in two years under exceptional circumstances. That this should be the case in the Empire State of the union, which leads all other states in population and wealth, and which

is so well supplied with schools, colleges and universities, occasions comment at home and abroad. It is the more remarkable in view of the fact that no two-years' law schools now exist in any of the New England states, or in California, Colorado, Illinois, Iowa, Kansas, Maryland, Michigan, Minnesota, Louisiana, Missouri, Nebraska, New Jersey, Oklahoma, Ohio, Pennsylvania, South Dakota and Wisconsin. More than two-thirds of all the law schools of the United States are now on the three-years' basis. The State Bar Association of New York at its meeting in 1901, as is well known, took action looking towards the improvement of conditions in New York. It declared its opinion that candidates for admission to the Bar should be required either to have had a course of three years in a law school or of four years in a law office. It also advised the abolition of the rule which allows a college graduate to be admitted to the Bar examinations on two years of law study. It appointed a committee of its most eminent members, Governor Hughes being one, to lay the matter before the Court of Appeals and endeavor to secure the court's consent to a modification of the rules, in accordance with the above suggestions. That court has thus far failed to take the action recommended. The failure of the court to comply with the recommendation of the State Bar Association in a matter of this kind is a surprise to the profession within and without the state.

The committee notes the recent establishment of the following law schools:

St. Johns University Law School, Toledo, Ohio.

New Jersey Law School, Newark, N. J.

Suffolk Evening Law School, Boston, Mass.

Lincoln College of Law (Law Department of St. Ignatius College), Chicago, Ill.

Steps have also been taken to organize a department of law in the state universities of Idaho and of Oklahoma.

It is with great satisfaction that the committee records the fact that the University of Virginia, Vanderbilt University at Nashville, Tenn., and the University of West Virginia, have established the three years' course. As these schools are among the leading schools of the south, their action, according as it does



with that of the University of Texas and the schools in North Carolina, cannot but have a powerful influence throughout that section of the country.

The attitude of this Association on the subject of establishing in each state a board of law examiners is well known. Few of the states now adhere to the old method of examination which permitted the inferior courts of a state to admit to the Bar on a report made by a local examining committee. That method has now almost become obsolete. In the last report of the committee it was stated that but six states still adhered to it. One of the six named was Kentucky. The legislature of Kentucky last year passed an act creating a state board of law examiners. The governor of the state disapproved the act, and as his veto message was brief it is herein incorporated. It was as follows:

"House Bill No. 259 creates three new offices, to be paid a salary of \$200 a year each and traveling expenses, for the purpose of examining men who are candidates for admission to the Bar to practice as lawyers. I do not see any great public necessity for creating this new board to examine lawyers at the public expense any more than a board to examine doctors or dentists or ministers or train dispatchers or any other profession or occupation which closely concerns the public. It is entirely practicable to make a suitable examination of lawyers without creating new offices, and for the reasons to be set forth in one veto message, applying to many appropriations, it is a bad thing to add any unnecessary expense on account of a large deficit in the general expenditure fund and the failure of the legislature to make any provision for increased revenues or to reduce any expenses.

"This item of itself is not large, but I believe the principle is wrong, and I do not believe that many of the instances of misconduct on the part of lawyers arise from those who would be excluded by this kind of examination. The incompetent are rapidly sifted out anyhow, and this measure does not seem so necessary as to justify the creation of other offices with annual expense.

"We have got along very well under this present system for generations, and if the lawyers wish special regulations for their guild, they had better require the candidates to pay for it."

It thus appears that the bill was vetoed because it incurred state expenditures. As a matter of fact it did nothing of the kind, as the act provided that the members of the board should be paid

out of the examination fees exacted of the applicants. The governor was certainly misled by someone as to what the act contained. "That the incompetent are rapidly sifted out, anyhow," as the governor said, is to a certain extent true, but that affords no justification for the admission of callow and incompetent men to membership in a learned profession, to their own injury and to the injury of the public, and to the embarrassment of the courts. The committee hopes that at the next session of the legislature a similar bill will be passed and will receive the approval of the governor.

While the character of examinations for admission to the Bar has improved greatly in the past twenty years, there are several features of these examinations, as now conducted, to which, in the opinion of the committee, attention should be directed, and with respect to which still further improvement is highly desirable in many jurisdictions.

In making its report upon this subject the committee has had access to a fairly complete collection of Bar examination questions, covering the questions asked by state boards of examiners in nearly every jurisdiction where such boards exist, so far as they have been made accessible in print in any form. The questions considered were put during the past six years, and may be taken, therefore, to represent current types of Bar examination papers. The committee has also been to some pains to ascertain, both from printed and published rules and from correspondence with those who have conducted or taken Bar examinations in recent years, the methods employed by boards of examiners in the conduct and supervision of examinations.

In the opinion of the committee there are serious grounds for criticism of Bar examinations, as conducted at present in most of our jurisdictions having state boards of examiners, all, or nearly all, of which arise chiefly from the mode of appointment and tenure of the examiners. The committee assumes that all will agree that a central board of examiners, appointed by the highest tribunal of the state, is much to be preferred to the older practice of leaving the whole matter to the discretion of local courts. It assumes also that all will agree that the examination should be

written and should extend over a number of days. Nevertheless, there are state boards of examiners which in some of their examinations in recent years have set oral questions only. It seems evident that with any considerable number of candidates, this mode of examination is not satisfactory, and the committee conceives that it is always much better that the questions and answers be, for a time at least, kept in a permanent form in a public office.

Assuming that the examination is to be conducted by a permanent board, appointed by the highest court of the state, and is to be written, the general practice of appointing for short periods and changing the personnel of the board rapidly appears to have several unfortunate results. Appointment upon such a board ought not to be regarded in anywise as something to be passed about in rotation as an honorary distinction. Not merely because of the importance of these examinations to the public, to the Bar and to the candidates, but because of the intrinsic difficulty of conducting examinations, there should always be a number of experienced examiners upon the board, and care should be taken not only to select capable examiners, but to keep them in office long enough to enable them to become reasonably expert at the work. Short tenure and frequent change of personnel lead to a number of unfortunate results which are manifest upon review of a collection of Bar examination questions extending over a number of years.

1. In several jurisdictions the papers set in different years are very unequal. One board will be severe and another lax. One year the questions will be difficult, another easy, another much too easy, another, perhaps, too severe. When the membership changes continually, this is inevitable.

2. In many jurisdictions it is evident that the examiners have not had sufficient experience to acquire facility in preparing questions. Preparations of questions is by no means an easy matter. It is not a matter that can be left to the spur of the moment. It takes time, thought, experience and a certain aptitude. Examination of papers set by Bar examiners shows that there is, in general, room for much improvement in this respect.

One common fault is to take a number of late decisions from the courts of the jurisdiction in question and expect the candidate to reach the conclusion to which the courts came in those cases. One board, a few years ago, asked this question: "Will the courts of \_\_\_\_\_ (the state where the examination was held) enforce a note made in \_\_\_\_\_ (another state) on Sunday?" The Supreme Court of the state where the examination was held had recently had this problem before it. But, unless one knew the peculiar statute and case law of the other state, he could not reproduce the argument of the opinion. Through lack of experience, the examiner missed an important feature of his question. Undoubtedly, hypothetical questions, calling for an application of legal principles to concrete states of fact, are on the whole most satisfactory. But the putting of such questions is an art, and it is not to be expected that a busy practitioner who puts his hand to it once or twice may always attain it.

Another form of the fault referred to is the putting of questions based on local decisions, calling simply for the details of the local case law. If the examination is to be avowedly upon the details of local case law, this is legitimate. But usually it will be found in jurisdictions where this type of question is conspicuous that the examination prescribed by the rules is one in the "principles of the common law." The reason is not far to seek. An examiner taken from his practice for a few days to conduct one examination, sometimes his first and last, naturally assumes that the rules of the local case law with which he has become familiar are the principles of the common law, and proceeds accordingly. Questions of this kind are sometimes well enough if the answers are read and appraised with due appreciation of the situation. But when the answer demanded is expressly or by implication, "What did the Supreme Court of \_\_\_\_\_ hold?" it is evident that the examination should profess to be upon the local case law only.

A more serious and not uncommon fault is putting of questions based upon the general preliminary discussions of particular text writers, which do not admit of answer unless one has recently devoured the text in question. Thus:

"What is the place of the law of torts in a system of jurisprudence?"

"What sort of rights must be affected by the wrongful act in order to entitle the person injured to recover?"

"To what extent is a man permitted to do what he will with his own property, personal volitions and personal interests, without responsibility to a person injured thereby?"

These were three out of ten questions upon Torts in one paper of a recent examination of six papers. They are taken from the preliminary discussion in a well-known text, but they *require the whole context to be understood and appreciated*. The examiner evidently worked over the text in search of material for questions and selected three striking passages without the reflection, which experience would have induced, as to the situation of one who had to make answer.

Such questions taken from the first book of Blackstone are not uncommon. Thus in recent examinations, these questions have been asked:

"Upon what do all human laws depend?"

"What does law always suppose?"

"What are the only true and natural foundations of society?"

"What are the natural rights of persons? Name and describe them."

The second of these evidently refers to Blackstone's statement that law presupposes a superior to impose it and an inferior to obey it. But most American thinkers today are not so sure of the imperative theory, and one can only guess that the question was founded on Blackstone. As to the last, one might give three, six, eleven or twelve, according to the author followed. But assuming that it is expedient for students today to study theories of natural law, it may be doubted if the reading of the average examiner qualifies him to do more than compare the answer with the text from which he drew his inspiration.

The two following questions given in 1907 illustrate the same fault:

"What is the meaning of the term *jus gentium*: (a) As interpreted by the Roman jurists? (b) As interpreted by the modern jurists?"

"Define the term conflict of laws, and give a better and more

accurate term covering the same subject, and state why it is better and more accurate."

Here the first of these is taken from Wheaton, a book not generally studied now, and calls for Wheaton's statement of the views of Heffter, which not one student of international law in twenty is likely even to have seen.

Where certain specific text-books are prescribed for the examination, there is some excuse for such questions. But even in such cases, it is manifest that questions calling for application of the principles set forth in the text are more likely to differentiate between those who have *studied* the text and those who have "crammed" it. Where specific text-books are not prescribed, the glib candidate who can dash off a plausible answer to induce the examiner to believe he has read something else upon the point has an undue advantage in dealing with questions of this type.

3. Experience in the conduct of examination as well as in putting questions is highly desirable. Frequent changes in the personnel of examining boards operate unfortunately in precluding such experience.

4. Experience in reading and grading papers is also important. This is a difficult test at best. Many boards are compelled to perform it somewhat hastily. One has to learn from experience the devices to which candidates resort in answering, he must learn to discriminate honest misunderstanding from deliberate dust-throwing, he must learn how to appraise mere facility with the pen on the one hand, and to distinguish, on the other hand, between dullness or ignorance and the slow thinking and difficult expression of the often well-informed and conscientious plodder. No one can expect to acquire this power to grade properly in one or two examinations.

The committee is satisfied also that in more than one jurisdiction candidates taking the Bar examinations are not supervised as they should be. This is a matter of great importance. Cheating in the entrance examination is not a proper mode of beginning an honorable profession. But the committee has evidence that in recent years several Bar examinations have not been conducted with any effective safeguards in this respect. Here again

too frequent change of personnel in the examining board is largely at fault. Experience of the ways of candidates and observation of a number of examinations would doubtless open the eyes of the examiners in question. Bar examinations do not admit of any "honor system." If no other reason were at hand, it is obvious that there is, for these examinations, no permanent and organized student body to whom we may look to enforce honest methods.

A number of jurisdictions attempt to keep the questions asked secret, whether to enable the same or substantially the same questions to be used over again from time to time, thus minimizing the difficulty of drawing questions and, to some extent, obviating the untoward effects of frequent change of examiners, or to prevent the nature and character of the questions used in the past becoming a subject of study by those preparing for examination. Whatever the motive, in the opinion of the committee, the practice is not to be commended. In practice, the questions can not be kept secret. In one state where the questions are not made public, a coach who prepares candidates for the examinations has a complete set of the questions asked, covering many years, and has a system of obtaining the questions each year which is simple and effective. Obviously in this case secrecy not merely fails its end, but creates a situation much to be deprecated. Moreover, aside from the impossibility of keeping the questions secret, it is desirable that they be made public. The profession, the law schools and the candidates ought to know the nature and character of the questions asked.

Complaint has been made, possibly not without foundation in some cases, that where one examiner is kept upon a board for a long period, there is a tendency to require knowledge of some manual of the local law or *vade mecum* for law students, prepared by such examiner, rather than knowledge of the law. But, in the opinion of the committee, the remedy for such conditions is not to be found in short tenure, and frequent changes, but in publicity, in giving the questions to the public after each examination, in preserving the written papers for a time after the examination, and in proper supervision by the court which appoints the examiners.

Finally, experience shows that examination is no substitute for training and education. It ought to be superposed upon a full and thorough training. It is an unfortunate tendency which is to be met with in many boards, to say that if a candidate can pass the examination, it matters little how far he has complied with the prerequisites of examination. Professional coaches have been known to prepare candidates in an incredibly short time and do so successfully. A quick-witted candidate, with facile pen, well-coached, can deceive even experienced examiners. The English Bar examinations are difficult, are well supervised and the papers are critically gone over. Yet we have it on the authority of Lord Russell that students have been known to take them successfully after but a few months of actual study of law. Even more is this possible in many of our state examinations, wherein questions such as these have been asked in the past few years:

“What kind of contract is the contract of marriage?”

“What department of government has power to pass upon the constitutionality of an act of the legislature?”

“What is the highest estate in land known to the law?”

Teachers soon come to learn that the evidence afforded by examination is cumulative. No one ought to be admitted because of his training or study without taking the examination and attaining the prescribed grade. But it is equally true that no one ought to be suffered to take the examination until he has met fully and substantially the requirements as to preliminary training and study. Here again, too frequent change in the personnel of examining boards often leads to an unfortunate laxity.

The purpose of the committee in the foregoing discussion is simply to call attention to some points which in its opinion the courts which appoint examiners and the examiners so appointed may well consider. It is not believed that any resolution or specific action on the part of the Association is necessary.

Respectfully submitted,

HENRY WADE ROGERS,  
LAWRENCE MAXWELL, JR.,  
SELDEN P. SPENCER,  
ROSCOE POUND.



**REPORT**  
**OF THE**  
**COMMITTEE ON COMMERCIAL LAW.**

*To the American Bar Association:*

The Committee on Commercial Law held a meeting at the Stafford Hotel, in the City of Baltimore, Maryland, on December 18, 1908. This annual report covers the result of their deliberations on that occasion and their action subsequent thereto:

**I. BANKRUPTCY LEGISLATION.**

The Sherley Bill (H. R. No. 21,929) to amend the Act of Congress establishing a uniform system of bankruptcy, which was mentioned in the committee's last report to the Association, came before the House of Representatives for final action on February 6, 1909. After full discussion by the proponent and other members of the House, the bill was finally adopted by a vote of one hundred and sixty-five to thirty-seven. It failed of passage, however, in the Senate before the final adjournment of the Sixtieth Congress on March 3, 1909. No bankruptcy bill having passed at that session or at the special session of the Sixty-first Congress, the law is in precisely the same position as it was at the last meeting of the Association. The committee renew the recommendations upon this subject contained in the last annual report, and in view of the repeatedly declared policy of the Association concerning bankruptcy, they advise that the Committee on Commercial Law for the ensuing year be instructed to oppose any effort to repeal the present statute or so to amend it as to restrict the field of its operation or to impair its efficiency. They also suggest that the new committee be given power to confer with the Judiciary Committees of Congress upon proposed changes in the Bankrupt Act; and to advocate such legislation as will, in the opinion of the new committee of the Association,

best carry out in general the Association's declared policy concerning bankruptcy enactments.

## II. UNIFORM STATE LEGISLATION.

(a) *Bills of Lading Act*.—The Commissioners on Uniform State Laws have had this Act in course of preparation and under constant discussion since 1905, four tentative drafts having been successively promulgated for criticism and suggestion. The final draft having brought the Act into harmony with the views unanimously expressed by this Association in the adoption of the last report of this committee (Reports, Vol. 33, pp. 24-25, 506-507), it is now recommended that the Act be formally endorsed.

(b) *Certificates of Stock Act*.—The Commissioners have had this Act in course of preparation and under discussion since 1906, four tentative drafts having already been circulated for criticism and suggestion. The Committee accordingly recommend that the Act be formally approved.

The progress of other laws looking to Uniform State Legislation and ratified by the Association, is as follows, viz.:

(a) The Negotiable Instruments Act has now been enacted in thirty-eight states and territories. It has not yet been adopted by Alaska, Arkansas, California, Delaware, Georgia, Indiana, Maine, Minnesota, Mississippi, Porto Rico, Panama Canal Zone, Philippines, South Carolina, South Dakota, Texas or Vermont.

(b) The Warehouse Receipts Act has been enacted in eighteen states and territories, viz.: California, Connecticut, Iowa, Illinois, Kansas, Louisiana, Massachusetts, Michigan, Nebraska, New Jersey, New Mexico, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia and Wisconsin. This Act was approved by the Association in its entirety, but the committee deem it appropriate to call attention for the third time to a desirable improvement in the Act, as suggested in prior reports (and sanctioned by the Association), the object being the clearer protection of the rights of bona fide purchasers from finders or thieves of duly endorsed Warehouse Receipts. The point was more fully

discussed in the last report of the committee, and the Bills of Lading Act, since revised by the Commissioners on Uniform State Laws, now places bills of lading on the footing recommended by the Association for warehouse receipts, as well as bills of lading. The purpose of the committee is to assimilate the two laws as far as possible in this respect.

(c) The Sales Act has been enacted in six states and territories, viz.: Arizona, Connecticut, Massachusetts, New Jersey, Ohio and Rhode Island.

### III. CONGRESSIONAL LEGISLATION CONCERNING ADMIRALTY COURTS.

The committee have carefully considered three important bills affecting Courts of Admiralty. These bills have already received the approval of the Maritime Law Association of America, which body has requested this Association to recommend their adoption by Congress. Copies of all of these bills in legislative form are printed in the appendix to this report. The bills have been most carefully and competently prepared and the committee advise their approval. They are as follows, viz.:

(a) Bill entitled "*An Act to Authorize the Maintenance of Actions for Negligence Causing Death in Maritime Cases.*" A private remedy for the negligent deprivation of life exists throughout Western Europe and in most of the American states, as well as in the Federal District of Columbia, but the ancient law of the English realm still prevails in the American Courts of Admiralty, although it was abrogated in England itself by Lord Campbell's Act (1846). An American Court of Admiralty cannot, according to the law of the forum, award damages for death. Therefore, notwithstanding the fact that the greater part of the traveling public are citizens of the United States, journeying upon foreign ships, and permitted to maintain actions of this character in nearly all civilized countries, they are denied the right by the law of national courts of their home. Certainly it is a humiliation to American lawyers that their own country should be practically the only enlightened nation denying

redress for loss of life on the high seas. The committee submit that it behooves the United States in their national capacity to assimilate the federal law to the law of Europe and to that of the component states of the Union. The ancient doctrine of the common law that there can be no remedy in a civil court for the death of a human being should be reversed in our national courts.

The subject is more fully discussed in an article in the Harvard Law Review for April, 1909, on the subject of Extra-Territorial Marine Torts, by George Whitelock, of the Baltimore Bar, and the principle of the proposed legislation has been already approved by this Association at Saratoga Springs, August 30, 1900, upon the recommendation of the Committee on Jurisprudence and Law Reform. An amendment (*italicized*) has been added to the bill by this committee fixing a time-limit for the substitution of personal representatives as plaintiffs where their decedents die after institution of suit for personal injury.

(b) A Bill entitled "*An Act Relating to Liens on Vessels for Repairs, Supplies, or Other Necessaries.*" If enacted, it will entitle to a maritime lien any person furnishing, upon proper authority, repairs, supplies or other necessities, including the use of dry dock or marine railway, to a vessel, whether foreign or domestic, and this lien will be enforceable by proceedings *in rem* in the admiralty. The aim of the bill is to make the legal principles operate uniformly throughout the country and to simplify the law by placing "foreign" and "domestic" ships on the same footing in the matter of liens for necessities—by doing away with the presumption that the owner alone is credited in the home port and when present in a foreign port. There is at present a conflict between the federal courts on the necessity *vel non* of expressly pledging the credit of a domestic vessel in order to create maritime liens upon it. The Circuit Court of Appeals for the First Circuit has held that under a state statute saying nothing about credit, it is not necessary to allege or prove a mutual understanding that the necessities were furnished on the credit of the vessel. The same view has been taken by the Circuit Court of Appeals for the Third Circuit, but in the second

and sixth circuits the contrary doctrine has been maintained. The want of consistency in the present law, owing to the diversity of state statutes and diverse decisions of the courts, is more abundantly demonstrated by Fitz-Henry Smith, Jr., of the Boston Bar, in an article published in the Harvard Law Review for March, 1908, and the urgency of Congressional legislation to produce uniformity of law is manifest therefrom.

(c) A Bill entitled "*An Act to Permit the Owners of Certain Vessels, and the Owners or Underwriters of Cargoes Laden Thereon to Sue the United States.*" This bill was introduced in the Senate, in 1885, by Senator Hoar. In 1886 it was reported with amendments from the Judiciary Committee by Senator Evarts. It is eminently proper that the jurisdiction of the Admiralty Courts as against the United States should be extended to tort, since under the Constitution the grant of admiralty jurisdiction to the Federal Government is exclusive. The proposed change would be in line with the action of Congress in giving certain government employees the right to receive compensation for injuries received in the course of their employment, which was later extended to employment on the Isthmian Canal (Act May 30, 1908; Act February 24, 1909). It will be recalled that the Tucker Act, of March 3, 1887, authorized suits against the United States in actions *ex contractu* at law, in equity and in admiralty. Accordingly, in all maritime cases against the Government, arising out of contract, jurisdiction exists in the Court of Claims for an unlimited amount; in the United States Circuit Courts for amounts up to \$10,000, and in the United States District Courts for amounts up to \$1000. The necessity of such legislation is growing more and more urgent, because the number of vessels in the employ of the United States in connection with its various departments is constantly increasing. Congress has already on several occasions passed special acts permitting owners of particular vessels to sue the United States in specified cases of collision, etc. The judges of the Federal Courts are eminently qualified to protect the interests of the Government, whereas to compel persons whose means of subsistence have been cut off by

the loss of their vessel to proceed in the Court of Claims is practically to deny them justice. The committee consider that the reasons for the extension of the jurisdiction to torts are cogent and controlling.

The committee urgently recommend the appointment of a special committee of the Association to lay before Congress, and if possible procure the passage of, the said three bills concerning the admiralty courts.

All of which is respectfully submitted.

GEORGE WHITELOCK, *Chairman*,  
W. U. HENSEL,  
ALDIS B. BROWNE,  
ERNEST T. FLORANCE,  
FRANCIS B. JAMES.

AUGUST, 1909.

## BILLS PROPOSED BY THE MARITIME LAW ASSOCIATION OF THE UNITED STATES.

### AN ACT

#### TO AUTHORIZE THE MAINTENANCE OF ACTIONS FOR NEGLIGENCE CAUSING DEATH IN MARITIME CASES.

*Be it enacted that:*

SECTION 1.—Whenever an action, whether *in rem* or *in personam*, might have been maintained by any injured party, had death not occurred, to recover damages for personal injury happening to such person on the high seas, the Great Lakes or any navigable waters of the United States, or if happening to any of the passengers or crew on board of any vessel of the United States, then in whatsoever waters such vessel may have been at the time of such injury, such injury in every such case having been caused by the wrongful act, neglect or default of another, and though amounting to a felony, then if such personal injury shall result in the death, whether on land or water, of the person injured, an action *in rem* or *in personam*, as may be appropriate,

may be brought for the exclusive benefit of the deceased's husband, wife or next of kin, by the personal representatives of the deceased against the vessel, foreign or domestic, or the persons that would have been liable to the deceased if death had not occurred. And in such action his personal representatives may recover such damages as shall be fair and just compensation, with reference to the pecuniary damages resulting from such injury and death to the deceased's husband, wife or next of kin, severally, not exceeding in all the sum of \$5000, to be apportioned among them at the trial, according to the pecuniary damages severally sustained by them, provided, however, that such action, if *in rem*, shall be brought within one year, or if *in personam*, within two years after the decedent's death; but if the vessel or the persons liable be absent from the United States at the time of such death, the periods above limited for the commencement of the action against them respectively shall be counted from the time of the first presence of such vessel or persons within the United States affording reasonable opportunity for service of process upon them after such injured person's death.

SEC. 2.—If at the decedent's death, any action brought by him to recover damages for such injuries be pending and undetermined, such action shall proceed no further, except that his personal representatives may, at their option, on petition to the court, *within one year after his decease, or within such further time as the court, on cause shown, may permit*, and upon such notice to the defendant as the court may direct, be substituted as plaintiffs in that action, and such amendment of pleadings be made as the court may direct, and the action may on order of the court thereafter proceed for the recovery of damages pursuant to this Act, and not otherwise; if final judgment on the merits has been rendered in the deceased's lifetime in any action brought by him for such injuries, such judgment shall be a bar to any other action therefor, except for the enforcement of such judgment.

Except as in this section provided no other action than that given by the preceding section shall be maintained by reason of such injuries.

SEC. 3.—This Act shall not abridge the rights of shipowners and others to avail themselves of the provisions of Sections 4280, 4283, 4285, 4286 and 4287 of the Revised Statutes of the United States, and Acts amendatory thereof and additional thereto, relating to limitations of liability; nor the right of suitors to a remedy *in personam* in the courts of the several states and elsewhere, for the recovery of damages under this Act, against any person or corporation liable therefor.

SEC. 4.—In any action brought under this Act, negligence or contributory negligence of the decedent shall have the same effect as to the damages recoverable as if the action were an action brought by the injured person, but the damages are not in any case to exceed the limit above provided.

### A BILL

#### RELATING TO LIENS ON VESSELS FOR REPAIRS, SUPPLIES OR OTHER NECESSARIES.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:*

That any person furnishing repairs, supplies or other necessities, including the use of dry dock or marine railway, to a vessel, whether foreign or domestic, upon the order of the owner or owners of such vessel, or of a person by him or them authorized, shall have a maritime lien on the vessel which may be enforced by a proceeding *in rem* and it shall not be necessary to allege or prove that credit was given to the vessel.

SEC. 2.—That the following persons shall be presumed to have authority from the owner or owners, to procure repairs, supplies and other necessities for the vessel: the managing owner, ship's husband, master or any person to whom the management of the vessel at the port of supply is intrusted.

No person tortiously or unlawfully in possession or charge of a vessel shall have authority to bind the vessel.

SEC. 3.—That the officers and agents of a vessel specified in Section 2 shall be taken to include such officers and agents when appointed by a charterer, by an owner *pro hac vice*, or by an



agreed purchaser in possession of the vessel, but nothing in this Act shall be construed to confer a lien when the furnisher knew, or by the exercise of reasonable diligence could have ascertained, that because of the terms of a charter party, agreement for sale of the vessel, or for any other reason, the person ordering the repairs, supplies or other necessities was without authority to bind the vessel therefor.

SEC. 4.—That nothing in this Act shall be construed to prevent a furnisher of repairs, supplies or other necessities from waiving his right to a lien at any time, by agreement or otherwise, and this Act shall not be construed to affect the rules of law now existing: either, in regard to the right to proceed against a vessel for advances; or, in regard to laches in the enforcement of liens on vessels; or, in regard to the priority or rank of liens, or, in regard to the right to proceed *in personam*.

SEC. 5.—That this Act shall supersede the provisions of all state statutes conferring liens on vessels in so far as the same purport to create rights of action against vessels for repairs, supplies and other necessities.

SEC. 6.—That this Act shall take effect upon its passage.

## AN ACT

TO PERMIT THE OWNERS OF CERTAIN VESSELS, AND THE OWNERS OR UNDERWRITERS OF CARGOES LADEN THEREON, TO  
SUE THE UNITED STATES.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:*

That the owner or owners of any American ship or vessel engaged in or belonging to the United States merchant-marine service, and the owners or underwriters of the cargoes laden thereon, and the owners or underwriters of any property on board thereof, may, and they are hereby authorized and empowered to sue the United States in any United States district court in which the parties so suing, or any of them, may reside, sitting as a court of admiralty and acting under the rules governing such courts, for any damage, loss or injury to such

ship or vessel, or her owner or owners, or to the owners or underwriters of any cargo laden thereon, or of any property on board thereof, arising from or attributable to the mismanagement of any vessel owned by the United States, or to the negligence or want of skill of those in charge thereof, by collision; and the said district court is hereby authorized to enter a judgment or decree for the amount of such injury, loss or damage, if any shall be found due, against the United States, in favor of such owners or underwriters, upon the same principles and measure of liability, with costs, as in like cases in the admiralty between private parties, and with the same rights of appeal that now exist by law in civil cases in which the United States are a party; provided, however, that this Act shall not extend to cases occurring prior to the passage hereof, nor in any case shall any such suit be brought more than six years after the collision shall have occurred.

SEC. 2.—That the process or procedure by which suits may or can be brought, and service on or notice to the United States or its officers shall be made or given, may be regulated by courts of admiralty by rules or orders made therein; and it shall be the duty of the Attorney-General of the United States to cause the United States attorney in each district to appear for and defend the United States in any such suit brought in his district.

**REPORT**  
**OF THE**  
**COMMITTEE ON OBITUARIES.**

*To the American Bar Association:*

The Committee on Obituaries reports the names of members of whose deaths the committee has been notified since the last meeting, as follows, viz:

**ALABAMA.**

LONDON, ALEXANDER T.....Birmingham.

**GEORGIA.**

GARRARD, LOUIS F.....Columbus.

**ILLINOIS.**

REEVES, WALTER .....Streator.

THOMAN, LEROY D.....Chicago.

WILLARD, GEORGE .....Chicago.

WINSTON, F. S.....Chicago.

**INDIANA.**

PENFIELD, WILLIAM L.....Auburn.

ROSE, JAMES E.....Auburn.

**IOWA.**

BURK, W. D.....Muscatine.

**KENTUCKY.**

MORTON, J. R.....Lexington.

**LOUISIANA.**

HOWE, WILLIAM WIRT.....New Orleans.

HYMAN, THOMAS McC.....New Orleans.

## MAINE.

BROWN, SIMON S..... Waterville.  
FAIRBANKS, HILAND L..... Bangor.

## MASSACHUSETTS.

DABNEY, L. S..... Boston.  
GARGAN, THOMAS J..... Boston.  
TOWER, BENJAMIN L. M..... Boston.

## MICHIGAN.

HOYT, HIRAM J..... Muskegon.  
WHITE, PETER ..... Marquette.

## MINNESOTA.

BENNETT, WILLIAM H..... Minneapolis.  
BLANCHARD, ARTHUR P..... Little Falls.  
DONAHUE, W. H..... Minneapolis.  
MAHON, HENRY S..... Duluth.

## NEW HAMPSHIRE.

BURNS, CHARLES H..... Nashua.  
SARGENT, HARRY G..... Concord.

## NEW JERSEY.

GODFREY, BURROWS C..... Atlantic City.

## NEW YORK.

BACKUS, HENRY CLINTON..... New York.  
CUNNEEN, JOHN ..... Buffalo.  
DAVY, JOHN M..... Rochester.  
DIVEN, GEORGE M..... Elmira.  
GARDNER, CHARLES A..... New York.  
HAWKESWORTH, R. W..... New York.  
LABOCQUE, JOSEPH J..... New York.  
MC ELVILLY, JAMES J..... New York.  
PEABODY, A. R..... New York.  
SCUDDER, HALSTEAD ..... Mineola, L. I.  
YEAMAN, GEORGE H..... New York.

## OHIO.

SMITH, J. H. CHARLES..... Cincinnati.  
TROUP, JAMES O..... Bowling Green.

PENNSYLVANIA.

STRAWBRIDGE, WILLIAM C.....Philadelphia.

TEXAS.

KEMP, WYNDHAM .....El Paso.

MILLER, CLARENCE H.....Austin.

WISCONSIN.

\*HUNTER, CHARLES F.....Milwaukee.

Respectfully submitted,

JOHN HINKLEY,  
SELDEN P. SPENCER,  
MERRILL MOORES.

NOTE.—This report includes those members of whose deaths the committee has been informed up to August 24, 1909. Obituary notices (including those of some members not in the above report) will be found near the end of this volume.

\* Obituary notice published in 1908 report.

**REPORT**  
**OF THE**  
**COMMITTEE ON PATENT, TRADE-MARK AND COPYRIGHT**  
**LAW**

**COURT OF PATENT APPEALS.**

*To the American Bar Association:*

Your Committee on Patent, Trade-Mark and Copyright Law beg leave to submit the following report in relation to the bill to create a United States Court of Patent Appeals of which your committee, in obedience to the direction of the Association, have been endeavoring to procure the enactment by Congress. The report of the committee submitted at the last meeting of the Association stated the progress which had been made to that time in the Sixtieth Congress. In the senate the bill was in the hands of the Committee on Patents. In the house it had been favorably reported by the Committee on Patents, and then referred to the Committee on the Judiciary, where it remained at the adjournment of the first session of that Congress. Promptly upon the assembling of the second session that Committee gave a hearing to the friends of the bill, and later in the session reported it to the house with a recommendation that it pass. It is believed that it would have passed the house if it could have been reached. But the pressure of other business was such that it failed of consideration. Your committee recommend that it be re-introduced at the opening of the first regular session of the present Congress in the same form in which it was reported by the Committee on the Judiciary of the Sixtieth Congress. A copy of it in that form, which embraces the amendments recommended by the House Committee on Patents of the Sixtieth Congress, all which are acceptable to this committee, is hereto appended.

It is the belief of your committee that it wants but a continu-

ance of the active interest taken in the subject by the members of this Association during the last two years to secure the passage of the bill by the present Congress. Very few senators or representatives are familiar with the patent laws, courts, or practice. The pressure of other things upon their time and attention makes personal investigation of these subjects on their part practically impossible. They have to be guided by the judgment of others upon whom they rely. For information in such a case as this they naturally and properly look to the lawyers of the country. That assistance was freely given during the life of the last Congress. In its report two years ago your committee asked the general and active co-operation of the members of the Association. About five hundred of them signified their willingness to respond to that appeal, and did so with highly gratifying effect. The proposal to create a Court of Patent Appeals has become a familiar one at the capital, and a large number of senators and representatives have expressed themselves as favorable to it. A continuance of interest in the subject by the members of this Association will, as we believe, assure the enactment of the law.

Respectfully submitted,

ROBERT S. TAYLOR, *Chairman*,  
ARTHUR STEUART,  
OTTO R. BARNETT,  
JOSEPH R. EDSON,  
FREDERICK P. FISH.

### A BILL

TO ESTABLISH A UNITED STATES COURT OF PATENT APPEALS,  
AND FOR OTHER PURPOSES.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there is hereby created a United States Court of Patent Appeals, which shall consist of five judges, of whom four shall constitute a quorum, and shall be a court of record with jurisdiction as is hereinafter limited and established. Such court shall prescribe

the form and style of its seal and the forms of its writs and other process and procedure as may be conformable to the exercise of its jurisdiction as shall be conferred by law. It shall have the appointment of the marshal of the court, who shall have the same powers and perform the same duties under the regulations of the court as are now provided for the marshal of the Supreme Court of the United States, so far as the same may be applicable. The court shall also appoint a clerk, who shall have the same powers and perform the same duties now possessed and performed by the clerk of the Supreme Court of the United States, so far as the same may be applicable. The salary of the marshal of the court shall be three thousand five hundred dollars a year, and the salary of the clerk shall be five thousand dollars a year, both to be paid monthly in twelve equal payments. The costs and fees now provided by law in the Supreme Court of the United States shall be the costs and fees in the United States Court of Patent Appeals; and the same shall be collected, expended, accounted for, and paid over to the Treasury Department of the United States in the same manner as is provided by law in respect to the costs and fees in the Supreme Court of the United States.

The court shall have power to establish all needful rules and regulations for the conduct of its business within its jurisdiction as conferred by law.

SEC. 2. That the President of the United States, by and with the advice and consent of the Senate, shall appoint a chief justice of said United States Court of Patent Appeals, and as vacancies occur shall in like manner appoint others to fill such vacancies from time to time. The acceptance of that office by a judge of the circuit court or district court of the United States shall vacate his office as circuit or district judge.

SEC. 3. That upon the taking effect of this Act the Chief Justice of the Supreme Court of the United States shall designate from among the judges of circuit and district courts of the United States four judges to sit as associate judges of the United States Court of Patent Appeals, two of them to sit for three years from the first day of the first term thereof, and two of



them to sit for six years from the first day thereof, as associate judges of the same court for six years from the first day of the first term thereof. And after that, as the periods expire for which such designations shall have been made the Chief Justice of the Supreme Court of the United States shall fill the vacancies thus occurring by designation of the same or other judges from among the judges of the circuit courts and the district courts of the United States, to sit for periods of six years each. In case of the death, resignation, or disability of any associate judge of the said court or of his resignation of his seat in said court the Chief Justice of the Supreme Court shall designate another judge of a circuit court or a district court of the United States to sit for the unexpired period for which his predecessor had been designated. The designation of a judge of the circuit court or district court of the United States to sit as associate judge of the United States Court of Patent Appeals must be with his consent, and his service in that court shall not vacate his office as judge of the circuit court or district court, as the case may be.

SEC. 4. That a term of the United States Court of Patent Appeals shall be held annually at the city of Washington, beginning on the second Monday of October in each year, and the same may be adjourned from time to time as the court shall order. If at any time for the meeting of the court a quorum of the judges shall not be present, the judges present may adjourn the court, and, if necessary, adjourn again from time to time until a quorum appear. If at any sitting of the court the chief justice shall be absent, the associate judge senior in commission as judge of the circuit court of the United States, or senior in age in case of commissions of even date, shall preside. If no judge of a circuit court shall be present, the associate judge senior in commission as a judge of a district court of the United States, or senior in age in case of commissions of even date, shall preside. Until it shall be otherwise provided by Congress the sessions of the court shall be held in a building or rooms to be provided by the marshal of the District of Columbia, under the direction and approval of the Attorney-General

of the United States. The court shall by order authorize its marshal to employ such deputies and assistants for himself and the clerk of the court and such criers, bailiffs, and messengers, as the business of the court shall require, and to pay the salaries of such employees at rates of compensation not exceeding those paid for similar services in the Supreme Court of the United States, and to pay all other necessary incidental expenses of the court. The chief justice and each of the associate judges shall be entitled to employ a clerk, whose salary, at a rate not exceeding that allowed the clerks of the Chief Justice and associate justices of the Supreme Court, shall be paid as part of the expenses of the court. The court shall have power, in its discretion, to appoint a reporter and to fix by order his salary or other compensation and direct the form and manner of the official publication of its decisions.

SEC. 5. That the Chief Justice of the United States Court of Patent Appeals shall receive a salary of twelve thousand dollars per year. The circuit judges of the United States sitting as associate judges of the same court shall each receive the salary allowed him by law as a circuit judge, and in addition thereto during the time of his service as associate judge of the United States Court of Patent Appeals, but not longer, such additional sum as will make his entire compensation during that service eleven thousand five hundred dollars per annum. The district judges sitting as associate judges of the United States Court of Patent Appeals shall each receive the salary allowed to him by law as district judge, and, in addition thereto, during the term of his service as associate judge of the United States Court of Patent Appeals, but no longer, such additional sum as will make his entire compensation during that service eleven thousand five hundred dollars per annum. All the said salaries shall be payable in twelve equal monthly installments. The time during which any judge shall serve in said court shall be deemed continuous service with that in any other court of the United States, before or after such service within the meaning and intent of section seven hundred and fourteen of the Revised Statutes. The additional compensation received by a circuit or district

judge while sitting as associate judge of the United States Court of Patent Appeals shall not be taken into account in determining the amount to be received by him after retirement.

SEC. 6. That the United States Court of Patent Appeals shall have jurisdiction to hear and determine appeals and writs of error from final judgments and decrees in the circuit courts of the United States in cases arising under the laws of the United States relating to patents for inventions, and from final judgments and decrees in cases arising under the laws of the United States relating to patents for inventions rendered by any other court having jurisdiction under the laws of the United States to hear and decide such cases in the first instance:

*Provided, however,* That it shall have no jurisdiction in cases originating in the Court of Claims. All such appeals shall be taken within six months after the entry of the order, judgment, or decree sought to be reviewed. The practice, procedure, and forms to be observed in the taking, hearing, and determination of such appeals and writs of error shall conform to the practice, procedure, and forms observed in like cases in the Supreme Court of the United States, subject to such rules and regulations as shall be prescribed by the court.

SEC. 7. That whenever, by an interlocutory order or decree in a circuit court of the United States or other court having jurisdiction under the laws of the United States to hear and decide in the first instance cases arising under the patent laws, in a case in which an appeal may be taken from the final decree of such court to the United States Court of Patent Appeals, an injunction or restraining order shall be granted, or refused, or continued, or vacated, or modified, or retained without modification after motion to modify the same, an appeal may be taken from such order or decree by the party aggrieved to the United States Court of Patent Appeals: *Provided,* That the appeal must be taken within thirty days from the service of notice of entry of such order or decree; and it shall take precedence in the appellate court; and the proceedings in other respects in the court below shall not be stayed unless otherwise ordered by that

court, or the United States Court of Patent Appeals, or a judge thereof, during the pendency of such appeal.

SEC. 8. That the chief justice and the associate judges of the United States Court of Patent Appeals shall each exercise the same powers in term and vacation in the allowance of appeals, supersedeas orders, and other matters incidental to the jurisdiction and business of the court as are now exercised by the Chief Justice and associate justices of the Supreme Court of the United States in relation to the business and jurisdiction of that court.

SEC. 9. That the decisions of the United States Court of Patent Appeals in all cases within its appellate jurisdiction shall be final, except that it shall be competent for the Supreme Court of the United States to require, by certiorari or otherwise, any such case to be certified to it for its review and determination with the same power and authority in the case as though it had been carried by appeal or writ of error from the trial court directly to the Supreme Court.

SEC. 10. That whenever any case shall have been certified from the United States Court of Patent Appeals to the Supreme Court of the United States, by certiorari or otherwise, it shall be, upon its determination by the Supreme Court, remanded to the circuit court of the United States or other court in which it originated for further proceedings to be taken in pursuance of such determination. And in every case determined by the United States Court of Patent Appeals upon appeal or writ of error, the case shall be remanded to the circuit court of the United States or other court from whence it came, for further proceedings to be taken in pursuance of such determination.

SEC. 11. That all appeals and writs of error in cases in which appellate jurisdiction is by this Act conferred upon the United States Court of Patent Appeals which shall have been pending without hearing in the United States circuit courts of appeals or other courts of appellate jurisdiction for less than three calendar months prior to the taking effect of this Act shall be transferred from such circuit courts of appeals or other courts to the United States Court of Patent Appeals and be heard and

determined in that court as though they had been taken there from the trial courts by appeal or writ of error without further payment for certifying the record or any new or additional docket or calendar fee; all other appeals and writs of error in cases in which appellate jurisdiction is by this Act conferred upon the United States Court of Patent Appeals which shall be pending in the United States circuit courts of appeals or other courts of appellate jurisdiction at the time of the taking effect of this Act shall remain and be heard and determined by the courts in which they may be pending, respectively, as though this Act had not been passed.

SEC. 12. That after the taking effect of this Act no appeal or writ of error shall be taken from any circuit court or other court of the United States to any United States circuit court of appeals or other appellate court in any case in which an appeal or writ of error may be taken to the United States Court of Patent Appeals under the provisions of this Act.

SEC. 13. That all laws and parts of laws inconsistent with the provisions of this Act are hereby repealed.

SEC. 14. That this Act shall take effect and be in force on the day of ———, nineteen hundred and ———.

**REPORT**  
**OF THE**  
**COMMITTEE ON PATENT, TRADE-MARK AND COPYRIGHT**  
**LAW.**

**ADDITIONAL PROTECTION FOR OWNERS OF PATENTS.**

*To the American Bar Association:*

Your Committee on Patent, Trade-mark and Copyright Law beg leave to submit the following report with reference to the creation of an adequate remedy for owners of patents whose inventions are used by the United States without payment of royalty or agreement to compensate the patentees. The matter is one of greater and wider interest than might be supposed. The government is not only an enormous consumer, but likewise a very large manufacturer of patented articles. The status of a patent as private property, which even the government is prohibited from taking for public use, without compensation (amendment to the Constitution, Article V), has been declared and re-declared in many opinions by the Supreme Court of the United States (*McKeever vs. United States*, 14 Ct. Cls., 396; affirmed S. C., 18 Ct. Cls., 757; *James vs. Campbell*, 104 U. S., 356; *Hollister vs. Benedict & Burnham Mfg. Co.*, 113 U. S., 59; *United States vs. Palmer*, 128 U. S., 262; *Solomons vs. United States*, 137 U. S., 346; *Belknap, et al, vs. Schild*, 161, U. S. 10, and numerous other cases). But it has been held, also, that in the absence of an express contract between the owner and the government or of transactions between them from which an agreement by the government to pay reasonable royalty must be implied, the patentee has no remedy at law or by executive action and must obtain relief, if at all, by appeal to Congress (*Schillinger vs. United States*, 156 U. S., 163; *Russell vs. United States*, 182 U. S., 516; *Bigby vs. United States*, 188 U. S., 400; *McKeever vs. United States*, 14 Ct. Cls., 396; *Butler vs. United States*, 23 Ct. Cls., 335; *Eager vs. United States*, 35 Ct. Cls., 556).

With respect to tangible property, such as real estate, the courts have implied an agreement by the government to make reasonable compensation for property taken from the mere act of appropriation. In *United States vs. Lunah*, 188 U. S., 445, it appeared that certain lands were overflowed in consequence of improvements made by the government in a navigable river. The court held that this was a taking of private property for public use and that the owner was entitled to recover compensation for it in an action brought in the Court of Claims under the Act of March 3, 1887, known as the "Tucker Act." But the courts have assumed a very different attitude toward patents, holding that one claiming royalty must show: (1) his ownership of the patent; (2) the beneficial use by the government, of the patented invention, and (3) that the taking and use of his invention occurred, with the patentee's consent, by order of a responsible official of the government, and with the distinct understanding that reasonable royalty should be paid for such use of the invention as the government might see fit to make (see authorities cited). The policy of the government throughout its several departments, when procuring materials or articles of any kind, by contract, is to require the contractor to furnish bond to indemnify the government against claims of patentees for the use of inventions embodied in such materials or articles. This, however, is not designed to and does not afford protection to patentees, who derive no remedy against the contractor on the bond for the use which the government makes of infringing articles and have no remedy against the government.

At the fifty-ninth Congress a bill was introduced in both houses of Congress, which provided for the amendment of Section 4919 of the revised statutes in such manner as to give patentees a remedy by suit in the Court of Claims for any use made of their inventions, by the government without their consent or provision for their compensation, reserving to the United States, however, all defenses of which an individual might avail himself in a suit for infringement, including those based upon the invalidity of the patent in question, the lack of novelty or priority of invention, non-user by the government, etc. The senate bill was introduced by Mr. Knox and the house bill by Mr. Dalzell. Both bills were

reported favorably by the respective Committees on Patents. The committee of the House of Representatives amended the bill, however, by inserting apt words to prevent its being retroactive in any respect. The bill passed the senate without a dissenting vote, but in consequence of the length of the calendar was not reached for consideration in the house. At the sixtieth Congress identical bills were introduced by Senator Knox and Mr. Dalzell. Again the house bill was amended in such manner as to prevent its being given a retrospective effect, and as amended was favorably reported by the Committee on Patents of the House of Representatives. Mr. Hinshaw speaking for the committee said, among other things:

“It seems to be necessary and proper to provide for patentees a remedy, such as the passage of this bill will secure, for the invasion of their rights. Without such remedy, patentees are the only persons who are outside the protection of Article V of the amendments of the Constitution: ‘Nor shall private property be taken for public use without just compensation.’

“Without such remedy a patent is not what it purports to be on its face. Many inventors have spent years of their lives and practically bankrupted themselves in developing inventions primarily of use to the government, only to find in the end, after their property has been seized by the government, that they have no legal means of redress, and that the governmental departments will not recognize the decisions of the courts.

“Without such remedy there is a ridiculous discrimination between (against) inventors. The inventor of a children’s game or of a new brand of chewing gum is protected by the courts. But the inventor of a device which may save the nation from a humiliating defeat in time of war, or reduce the cost of carrying the mails, or reduce the number of shipwrecks on the coast, is afforded no protection. The governmental departments have the power to confiscate his property and habitually exercise that power.

\* \* \* \* \*

“It may be conceded that the government ought to have the right to appropriate any invention necessary or convenient for natural (national) defense or for beneficent public use, and that, too, without previous arrangement or negotiation with the owner. Nevertheless, the appropriation having been made it would seem that justice to the citizen demands that in due time he should receive fair compensation for his property.



"The claim is made by some that the government, being the grantor of the patent, ought to have the right to use without compensation such inventions as are necessary for its purpose.

"One answer to this is that there is no such limitation or reservation in the law governing the granting of patents; and another answer is that if that were the law there would be no time, brains, or money spent by anyone in inventing those things for which there would be no remuneration."

Attention was called, also, to the fact that among civilized nations, the United States and Russia, alone, have failed to provide a regular and orderly legal proceeding for the compensation of patentees by the government, for the use of their inventions. Russia has some excuse for withholding a remedy for it does not recognize the inventor's right as against the government. In the United States the right of the patentee is recognized and guaranteed by law, but rendered ineffectual by lack of a remedy. The bill above referred to in the sixtieth Congress passed the house by a large majority, and, at the instance of Senator Knox, passed the senate by a unanimous vote, without the formality of a submission to the Committee on Patents. Thereafter the bill was submitted to President Roosevelt. He declined so late to approve it and Congress adjourning the next day, it failed to become a law.

The bill as it passed both houses at the sixtieth Congress has again been introduced in the sixty-first Congress. Mr. Dalzell has introduced it in the House of Representatives and Senator Knox, having resigned to become Secretary of State, it was introduced in the senate by his successor, Senator Oliver. It is believed that the bill is a just one and should pass and that the matter is one of sufficient importance to the many inventors and patentees of the country to justify a favorable recommendation by the American Bar Association, of senate bill 1745, sixty-first Congress, first session. A copy of the bill is appended hereto.

ROBERT S. TAYLOR, *Chairman*,  
ARTHUR STEUART,  
OTTO R. BARNETT,  
JOSEPH R. EDSON,  
FREDERICK P. FISH.

## A BILL

TO AMEND SECTION FORTY-NINE HUNDRED AND NINETEEN OF THE REVISED STATUTES OF THE UNITED STATES, TO PROVIDE ADDITIONAL PROTECTION FOR OWNERS OF PATENTS OF THE UNITED STATES, AND FOR OTHER PURPOSES.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section forty-nine hundred and nineteen of the revised statutes of the United States, providing for the recovery of damages for the infringement of any patent by an action on the case in the name of the party interested, either as patentee, assignee, or grantee, be, and is hereby, amended by adding thereto, after the words "together with the costs," the following:

"And whenever an invention described in and covered by a patent of the United States shall hereafter be used by the United States, without license or authority of the owner thereof, such owner may recover reasonable compensation for such use by suit in the Court of Claims: *Provided, however,* That in any such suit the United States may avail itself of any and all defenses, general or special, which might be pleaded by a defendant in an action for infringement as set forth in title sixty of the revised statutes, or otherwise."

**REPORT**  
**OF THE**  
**COMMITTEE ON INSURANCE LAW.**

*To the American Bar Association:*

Your Committee on Insurance Law respectfully report:

The current public interest in insurance has had only a restricted concrete expression through legislation in the several states, and the theory of much of the proposed insurance legislation involves the mistaken idea that the way to correct the abuses in the management of insurance companies, is to strike and cripple the companies.

It is a singular notion that an employer whose servant has defrauded him should be punished along with the dishonest servant, as equally culpable with the servant; and under ordinary circumstances, a public official or anyone else having audience with the public who should advocate such a thing, would stand convicted, out of his own mouth, of a want of common sense, to say the least! But the heads of the state insurance departments, with some notable exceptions, have proposed, and numerous state legislatures have considered, and some have enacted, laws for the regulation and control of insurance, which cannot be accounted for save on the theory that those companies who suffered through the extravagance and dishonesty of their former management, should be further punished by the crimping and crippling resulting from hasty, unwise and hostile legislation.

Your committee disclaim any purpose to reflect on the motives of the authors of many of the proposed bills introduced in the legislatures of the country since 1906; but with all the emphasis that can be given to words, we condemn bills drawn in the interest of one class of companies at the expense of others; bills to increase the already iniquitous burdens of taxation; bills for valued policy laws, by which a premium is put upon fraud; bills to in-

crease the power and importance of the state insurance departments, and bills that merely tinker with the forms of policies, with which our legislative halls have been flooded. Everybody with an axe to grind has been on the watch for a chance to sharpen it on some legislative grindstone at the expense of the companies, which are likewise alert to prevent if possible, antagonistic legislation. This situation is one that breeds mutual distrust as between the companies and lawmakers; but it is time for insurance to be dealt with on some other basis than by the rules of the prize ring.

Our report for 1907 contains the following indictment of the system of state supervision in vogue:

“The other chief cause of the evils which infect insurance is the incompetent or corrupt administration of the unsatisfactory insurance laws in force in the several states. (The first cause discussed was extravagant management and legislative extortion, all of which was directly due to inability to resist the temptation to take money in sight.)

“Your committee do not wish to be understood as charging that all state insurance commissioners are dishonest, nor that all of them are incompetent, and we repeat the conviction expressed in our 1905 report:

“‘There are in many states capable and efficient commissioners or superintendents who are engaged in the conscientious performance of their duties.’

“We have no purpose to do an injustice to anybody, and feel assured that in many of the states the commissioners are men of first class qualifications and high purpose, whose administration of their departments has been not only honest, but as efficient as possible under existing conditions, but they are the exceptions. *The trouble is that the state insurance departments, always keeping in mind the few exceptions, are sinecures. They produce ripe, rich political plums generally distributed by the governors of the several states, sometimes by some other officer. Knowledge of the insurance business is the last thing required; the man with a pull gets the job.* In one of the Eastern states, the commissioner is a practicing physician and is also the state bank examiner. In one of the Western states a friendly acquaintance with an incoming official placed a proof-reader from a job printing office in charge of the insurance department of that state, and that gentleman is now as competent as the average commissioner.

*These departments are mere collection agencies; the commissioners brag about the money they produce and the insurance commissioner of Kansas in a recent report boasted that his department had that year raised more money than any other department of that state. They offer the most seductive opportunities for fraud and graft in the United States. The dealings of the state insurance departments with the insurance companies of America, the details of which are within the reach of any person who seeks to inform himself with respect thereto, show that the administration of the insurance laws of many of the states has been characterized either by unblushing fraud, mostly in the shape of blackmail, or by gross incompetency."*

That report gave the definite and specific facts on which our arraignment of state supervision rests, and the Association voiced its disapproval of the situation reported by us in the following resolution:

*"Resolved, That this Association disapproves and condemns the treatment of state insurance commissionerships as political prizes to be distributed as such without regard to fitness or knowledge of the insurance business."* (Report Am. Bar Assn. 1907, pp. 10, 51.)

Your committee repeat that we have no purpose to do an injustice to anybody, but we do not seek for agreement with the exponents and beneficiaries of the system under which for years dishonesty and blackmail competed for first place.

Mr. S. H. Wolfe, whose reputation as an actuary is second to none in the United States, has thus expressed himself upon this subject:

*"Each state has an insurance code of its own and the difficulties and annoyances which insurance companies experience in trying to comply with fifty different sets of laws may well be imagined. There is a crying need for uniformity in this matter, and for a radical change in the laws of all the states. I know of no one state which possesses a code of insurance laws which may even be termed reasonably satisfactory."* (State Supervision of Insurance, *The Weekly Underwriter*, March 4, 1905.)

There has been no improvement worth noting in insurance legislation throughout the United States since Mr. Wolfe made that statement, and most of the current proposed changes in insurance laws is mere groping in the dark.

Mr. Darwin P. Kingsley, the president of the New York Life Insurance Company, in a recent address on Insurance Supervision and National Ideals, said:

"The problem which faces the management of an insurance company today is how it may profitably, effectively, and peacefully serve forty-six masters."

Hon. Thomas E. Drake, the Superintendent of Insurance for the District of Columbia, in an address delivered October 20, 1908, before the Board of Casualty and Surety Underwriters, which is a national organization of the casualty and surety companies that are doing business in the United States, thus described the insurance code of the District:

"Because the capital of the nation is located in the District of Columbia, and the amount of wealth therein exceeds that of each of twenty-five states and territories of the union, its insurance laws should be the best. They are, however, the poorest, most ambiguous, and the hardest to administer of any in the United States."

Mr. Drake supported his criticism of the insurance code of the District of Columbia by a quotation from a recent speech made by Congressman McCall of Massachusetts, in which he said:

"Here at least (in the District of Columbia) we should find a model code to aid in elevating state standards by the force of a perfect example, but the corporation laws of the District will not only not stand comparison with those of the advanced states of the union, but they would make a New Jerseyman blush. Take the matter of insurance. . . . We find in the District of Columbia a code scarcely worthy of the name."

It is the avowed desire of the commissioners for the District of Columbia, and of Superintendent Drake, to have the Congress enact an insurance code for the District, but their efforts in that direction have not been hitherto successful. If the Congress should enact an insurance code for the District of Columbia (which would doubtless also be extended to the territories of the United States), having for its purpose the protection of the policy-holders, and which in its operation would compel publicity with respect to the organization of insurance companies, the procedure by which the same is effected and the details of their man-

agement, and the investment of funds committed to their charge; and which would also permit legitimate expansion and growth on the part of the companies, such a code would go far to enlighten the public ignorance concerning insurance, and point the sure way to a cure for many evils that cling to the business. It goes without saying that whatever is for the interest of the policy-holder in any legitimate company, under honest and conservative management, will also prove for the interest of the company; and a law that would put the insurance business on a sound basis, ought to have the sanction of this Association, and would then probably be accepted as a model for a uniform insurance law and in time be adopted in the several states of the union; for the Association has not only bred, but has cultivated the movement towards uniform laws which is full of promise for the future.

It is also perfectly clear that an insurance code for the District of Columbia would not have to be drawn with the view of making fat jobs for politicians. All insurance departments could very easily be put under civil service regulation. Neither would there be the temptation to raise large sums of money by way of taxes and license fees imposed upon the several companies such as the state laws now exact for the support of state governments, thereby taxing the thrift and prudence of the policy-holders.

In this connection your committee cannot overlook the startling statement made by Mr. William J. Graham, in his article *Taxing a Tax*, in *The World Today* for February, 1909:

“Twenty-five million American men, women and children, for the most part poor, and whose insurance averages for the whole less than \$600 a policy, *not only pay the cost of their own insurance and of state supervision and regulation that should be much more economical than it is, but in addition contribute an uncontemplated profit to the states of over \$8,000,000.* If the companies continue their normal growth and tax rates remain unchanged, within the next ten years the provident policy-holders of the United States will be called upon to pay to government authorities more than \$100,000,000. In other words, the policy-holders of the country can have their insurance within the next ten years cost them less by \$100,000,000 by achieving the removal of taxation from life insurance.”

Mr. Graham in that same article quotes Superintendent Drake, who in his official report of the Department of Insurance for the District of Columbia, said:

“I consider it equally as unjust to exact from policy-holders anything above a sufficient sum to maintain supervision, as that of imposing a tax on school, church or cemetery property, which is everywhere exempt from such extortion.”

The Executive Committee of the Board of Casualty and Surety Underwriters have done some valuable work in this direction, and have prepared the draft of a model law for the District with the belief expressed by the sponsors for the proposed bill, “that a well devised law enacted for the District would be likely to be followed more or less in the several states, thus promoting the cause of uniform legislation.”

The gentlemen of that committee, who are the recognized captains in their respective lines of insurance industry, testify “that much existing insurance law is involved, cumbrous and confused.”

A model code would eliminate the scandalous retaliatory laws which many of the states have adopted. In fact many things, which it would be tedious to enumerate, would tend to embarrass the state insurance commissioners should they attempt the compilation of a model insurance code for adoption throughout the United States; but this embarrassment cannot possibly affect the preparation of a model law to be first enforced in the District of Columbia and the territories.

The draft of the model law prepared by the committee above mentioned, is, however, incomplete, for it leaves to be supplied, several necessary chapters dealing with life, fire and marine insurance. That it is no slight task to draft such a bill was demonstrated by the fate of the Ames bill, reputed to be modeled upon the Massachusetts law, and which was introduced in the House of Representatives during the Fifty-ninth Congress by Congressman Ames. In spite of the care used in the preparation of this bill, it was the subject of amendments by the hundred, which very speedily swamped it.

The only method promising results, which thus far has been formulated to deal with this situation, is stated in House Roll



No. 28,407, Sixtieth Congress, second session, introduced by Mr. Flood of Virginia (a copy of which is appended to this report), which is a bill to *create a commission* to prepare a code of laws for the regulation and control of insurance companies doing business within the District of Columbia. Your committee have conferred with the District Commissioners, and with the Board of Governors of the Bar Association of the District and others interested, all of whom endorse this plan, though neither the Commissioners nor the Bar Association have formally approved the bill. It also puts in form the desire and recommendation of Superintendent Drake, and should have the approval of all who favor a model insurance law for the District which may be generally adopted.

It is a sensible step in the direction of a reform which will be most effective and far-reaching. It will insure that the interests of all concerned will be properly safeguarded. It will prevent haste and improvidence, the code drafted by such a commission would necessarily be subject to the scrutiny of the able lawyers in both houses of Congress, and only through a commission can the practical difficulties which beset legislative reforms, be met and overcome.

Your committee therefore recommend:

That the Congress pass a law which shall create a commission to prepare a code of laws for the regulation and control of insurance companies doing business in the District of Columbia.

RALPH W. BRECKENRIDGE, *Chairman*,  
RODNEY A. MERCUR,  
W. R. VANCE,  
ROBERT DUNLAP,  
WM. H. BURGESS,

60TH CONGRESS, 2D SESSION. H. R. 28407.

IN THE HOUSE OF REPRESENTATIVES, FEBRUARY 23 (CALENDAR  
DAY, MARCH 1), 1909.

Mr. Flood introduced the following bill, which was referred to the Committee on the District of Columbia and ordered to be printed:

## A BILL

TO CREATE A COMMISSION TO PREPARE A CODE OF LAWS FOR THE  
REGULATION AND CONTROL OF INSURANCE COMPANIES  
DOING BUSINESS WITHIN THE DISTRICT OF COLUMBIA.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled,* That there is hereby created a commission to prepare a code of laws for the regulation and control of insurance companies doing business within the District of Columbia. Said commission shall consist of three qualified citizens of the United States, and shall be appointed by the President, who shall designate the chairman of said commission; the President shall have power to fill any vacancies on said commission. The commission shall be authorized to sit at such times and places as shall expedite its business, and shall report the code prepared by it to the Congress with due diligence.

SEC. 2. That there is hereby appropriated the sum of six thousand dollars to defray the actual necessary traveling and other expenses of said commission, which shall be paid on vouchers approved by the chairman of the commission, and the further sum of nine thousand dollars as compensation to said commissioners, who shall be paid for their services, at the completion of their work, the sum of three thousand dollars each.

**REPORT**  
**OF THE**  
**COMMITTEE ON UNIFORM STATE LAWS.**

*To the American Bar Association:*

The Nineteenth Annual Conference of the Commissioners on Uniform State Laws was held in the County Court House in Detroit, Michigan, August 19, 20 and 22, 1909. Fifty-six Commissioners were in attendance from thirty-three states and territories.

The Conference now consists of Commissioners from forty-six states, territories and the District of Columbia. Delaware and Nevada are the only states, Alaska and Hawaii are the only territories and Porto Rico and the Panama Canal Zone are the only other possessions of the United States that are not now represented in the Conference.

The Uniform Negotiable Instruments Law has now been enacted in thirty-eight states, territories and the District of Columbia, as follows: Alabama, Arizona, Colorado, Connecticut, District of Columbia, Florida, Hawaii, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Missouri, Montana, Nebraska, New Hampshire, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Tennessee, Utah, Virginia, Washington, West Virginia, Wisconsin and Wyoming.

The Uniform Warehouse Receipts Act (recommended by the Conference in 1906 for adoption by the state legislatures) has been enacted in the eighteen states and territories of California, Connecticut, Iowa, Illinois, Kansas, Louisiana, Michigan, Massachusetts, Nebraska, New Jersey, New York, New Mexico, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia and Wisconsin.

The Uniform Sales Act (recommended at the same time) has been enacted in the six states and territories of Arizona, Connecticut, Massachusetts, New Jersey, Ohio and Rhode Island.

In 1906, upon the completion and recommendation of the last two Uniform Laws by the Conference, Prof. Samuel Williston, of the Harvard Law School, was employed to prepare a draft of an act to make uniform the law of transfer of title to shares of stock in corporations. The first tentative draft of this law was considered by the Committee on Commercial Law of the Conference, at Portland, Maine, August 21, 1907, and by the Conference at its session at the same place, August 22, 23 and 24, 1907. As a result of the discussion, a second tentative draft was prepared and discussed by the Committee on Commercial Law, at the New Washington Hotel, in Seattle, Washington, August 20, 1908, and by the Conference at its session at the same place, August 21, 22 and 24, 1908. Thereupon, a third tentative draft was prepared and it was carefully examined at a meeting of the Committee on Commercial Law of the Conference, at the Waldorf-Astoria Hotel, in New York, April 19 and 20, 1909, at which meeting representatives and counsel of various commercial interests appeared and were heard in response to the committee's invitation, printed copies of the draft act having been distributed throughout the United States.

In the light of the criticisms and suggestions thus obtained, a fourth tentative draft was prepared and was again carefully considered at a meeting of the Committee on Commercial Law, held in the Hotel Pontchartrain, in Detroit, Michigan, August 17 and 18, 1909, all interested being again invited to attend and take part in the discussion. This committee then reported the draft act to the Conference, held in the County Court House, in Detroit, August 19, 20, 21 and 23, 1909, when the act was again discussed in Committee of the Whole, section by section, and was finally adopted by the Conference and recommended for enactment by the various state and territorial legislatures and by the Congress of the United States for the District of Columbia.

In 1905 the Conference employed Professor Williston to pre-

pare an act to make uniform the law of bills of lading. The first draft was submitted to the Committee on Commercial Law, at its meeting at St. Paul, Minnesota, August 23, 1906, and after examination further consideration thereof was postponed until the following year, in order that the draft might be submitted to shippers, bankers and carriers. The Committee on Commercial Law held a meeting at the Bellevue-Stratford Hotel, in Philadelphia, Pennsylvania, May 13 and 14, 1907, when this draft act was considered, representatives and counsel of all these interests being heard. As a result of this discussion and exchange of views, a second draft was prepared and was considered by the Committee on Commercial Law, at a meeting held in Portland, Maine, August 21, 1907, and by the Conference at the same place, August 22, 23 and 24. A third tentative draft was prepared, which in June, 1908, was distributed among the interests affected and others. At the Conference held in the New Washington Hotel, in Seattle, Washington, August 21, 22 and 24, 1908, this draft was recommitted to the Committee on Commercial Law for the purpose of securing additional information in perfecting the act, especially in view of the fact that the Interstate Commerce Commission had under consideration the subject of a form for a uniform bill of lading for use in interstate commerce.

The Committee on Commercial Law held a meeting at the Waldorf-Astoria Hotel, in New York, April 19 and 20, 1909, and again examined this draft, section by section. Representatives were present of the American Bankers' Association, the American Warehousemen's Association, the National Board of Trade, the Merchants' Association of the City of New York, the Chamber of Commerce of Richmond, Virginia, the National Industrial Traffic League, the National Manufacturers' Association, the Erie Railroad Company, the Pennsylvania Railroad Company, the New York, New Haven & Hartford Railroad Company, the Old Dominion Steamship Company, the Bills of Lading Committee of Railroads in Official Territory, the Harvard Law School, the Law Departments of Columbia University and of the

University of Pennsylvania. Written communications from numerous other commercial organizations and from many individuals were also received and considered. Thereupon a fourth tentative draft was prepared and it was distributed in July, 1909, throughout the country. This draft was again carefully considered, section by section, at a meeting of the Committee on Commercial Law, held in the Hotel Pontchartrain, in Detroit, August 17 and 18, 1909, all interested being again invited to attend and to participate in the discussion. This committee then reported this draft act to the Conference, held in the County Court House, in Detroit, August 19, 20, 21 and 23, 1909, when the act was again considered and discussed, section by section, in Committee of the Whole. Upon their report it was finally adopted by the Conference and is recommended for enactment by the various state and territorial legislatures and by the Congress of the United States for the District of Columbia. This Uniform Act, as well as the Uniform Act concerning transfer of title to shares of stock, will be printed in the Report of the Conference. The members of the American Bar Association are earnestly requested to secure the enactment of these acts by their respective state legislatures.

Respectfully submitted for the committee,

AMASA M. EATON,  
*Chairman.*

**REPORT**  
**OF**  
**COMPARATIVE LAW BUREAU OF THE AMERICAN BAR**  
**ASSOCIATION.**

*To the American Bar Association:*

In compliance with Section 7, Article XV, of your by-laws as amended at the annual meeting in 1907 the Board of Managers of the Comparative Law Bureau presents the following annual report in detail as to the work and finances of the Bureau to June 1, 1909:

The Visigothic Code has been translated into English by S. P. Scott, a member of the editorial staff and presented to the Bureau. It has not yet been published but negotiations now proceeding indicate that it can be issued this fall.

The Swiss Civil Code which becomes effective January 1, 1912, has been translated into English and annotated with references to parallel provisions in other codes by Robert P. Shick, and Charles Wetherill, of the editorial staff, and will shortly be published.

The general subject of comparative law has been more widely brought to the attention of the American Bar by officers and editors of the Bureau through writings and addresses before state Bar Associations.

The Annual Bulletin of 1909 has just been issued and sent throughout the country and abroad. The desire of law publishing houses to secure advertising space in this issue has enabled the Bureau to realize about one-half the cost of the edition.

The editorial staff has been enlarged and the work of the Bureau has been facilitated by establishing friendly relations with foreign kindred societies, publishers and individuals so as to assure speedy and comprehensive knowledge of legislation, jurisprudence and bibliographical news abroad.

The year reviewed as a whole indicates marked advance in interest in the science of comparative law in this country and a growing ability of this Bureau to promote it still further by keeping it before American lawyers as a live topic and affording the aid of materials from other lands.

The financial statement is as follows:

#### ASSETS AND INCOME.

Balance on hand June 1, 1908.....	\$104.00
Received dues from members and foreign correspondents and sales of 1908 Bulletin.....	155.75
Appropriation of American Bar Association.....	300.00
Received from 1908 Bulletin advertisements.....	100.00
	<hr/> \$659.75

#### EXPENDITURES.

Printing 1908 Annual Bulletin.....	\$301.31
Postage for Bulletin of 1908, printing circular letters, etc. ....	190.66
	<hr/> \$491.97

Balance in hands of Treasurer June 1, 1909.....	\$167.78
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Respectfully submitted,

SIMEON E. BALDWIN, *Director.*

WM. W. SMITHERS, *Secretary.*

EUGENE S. MASSIE, *Treasurer.*



**REPORT**  
**OF THE**  
**COMMITTEE ON TAXATION.**

*To the American Bar Association:*

In our last report to this Association we called attention to the fact that the International Tax Association had been formed and that it

“intends to busy itself with all questions of taxation and reform in legislation relating to that subject in the United States and in Canada. . . . The work of that association and of its annual conferences will necessarily also involve the compiling and comparing of the laws and decisions of the various states of the union and the recommendation of measures, from time to time, looking to such changes in existing laws on the subject of taxation as may be particularly desirable. Whatever may be recommended by these conferences will be of especial value and importance, as they consist of official delegates from the various states of the union and from Canada, including members of tax boards and the like, besides professors in the departments of economics of the various colleges and universities and of experts and writers on these subjects.

“Under these circumstances our committee thinks that it would be better to wait for a while until the work of this Tax Association and of these conferences shall have assumed a more definite shape and then, after they shall make recommendations in a concrete form which there may be any prospect of enacting into law in the various states, to have our committee co-operate therein.”

Since the date of that report the Second Annual Conference of the International Tax Association has been held at Toronto, Canada, as an outgrowth of which a committee was appointed to draft a “model inheritance tax law for the American States” with Professor C. J. Bullock of the Department of Economics of Harvard University as chairman. With reference to the proposed work of that committee Professor Bullock wrote to the

chairman of your committee under date of December 16, 1908, as follows:

"I am undertaking to find out whether the American Bar Association and the Commission on Uniformity of Law would care to unite in forming a joint committee (say of three members from each Association) to investigate the subject thoroughly and then draft a model law.

"The only things to be suggested as fundamental are:

"(1) Time and resource for a thorough study of the legal, economic, and fundamental questions involved.

"(2) The law in question to be designed to afford revenue, not to level fortunes; and therefore to be at moderate and reasonable rates.

"(3) Our purpose to be to get a law that can be urged in the various states, with a view to getting this important field preempted by the states with uniform and satisfactory tax laws."

In accordance with the above suggestion Amasa M. Eaton, Frederick N. Judson and the chairman of your Committee on Taxation were appointed a sub-committee to co-operate with a similar committee of three appointed by the International Tax Association consisting of Professor Bullock, Wm. H. Corbin, Tax Commissioner of Connecticut, and George Curtis, Jr., of the Wisconsin Tax Commission. The Commissioners on Uniform State Laws still have to make their appointment of a similar committee of three to co-operate with the foregoing two committees. In this way a joint committee of nine will be constituted representing these three important bodies. In order to carry out the plan proposed by this joint committee Professor Bullock writes that it would be "necessary for the joint committee to employ a young lawyer as secretary to make an exhaustive study of inheritance tax statistics and decisions. His salary and other expenses, for printing and meetings of the joint committee, would probably bring the expense of the undertaking to \$2500 or \$3000.

"The Tax Association is ready to pay one-third of the expense, the amount not to exceed \$1000. Can your sub-committee undertake to do the same?"

The question now arises whether the American Bar Association is willing to supply your committee with the necessary funds to join in carrying out this plan. It will not be necessary that the entire sum be transferred at once, but we ought to be authorized

to draw up to not exceeding one thousand dollars, as the occasion may arise, and that sum ought to be appropriated to the committee by vote of the Association. As appears by the report of the Executive Committee (see report of the American Bar Association for 1908, page 105), the sum of two hundred dollars was voted to our committee by the Executive Committee at its meeting in Portland, Maine, in 1907, but no part of this sum was drawn, as we were not at that time ready to take any action and the amount was too small to undertake any preliminary work, such as that which is now proposed to be done by the joint committee of the three organizations above mentioned.

We therefore ask, in view of a resolution adopted by the Executive Committee recently that "no appropriations will be made hereafter for any expenses incurred save in necessary consideration of subjects referred to committees by vote of the Association," that the Association authorize our committee to proceed with the work herein outlined and that an appropriation of one thousand dollars be made for its use to be drawn in say two annual installments of five hundred dollars each.

Your committee has now been in existence for three years and has in every possible way endeavored to accomplish something along the lines which were in contemplation when it was created. The importance to this Association of the work that falls within the scope of our committee in general was pointed out in our report to the Association in 1907 (see report of the Association for 1907, page 670), to which we herewith refer. Certainly the particular subject to which we now call attention is of such importance as to warrant the Association in doing what it can to render it possible to bring about some uniformity among the various states in their inheritance tax laws. We assume that no elaborate argument is required to point this out. There is no branch of the law of taxation in which the burdens fall more unequally, and often not once but repeatedly, on the same property, owing to the clash of jurisdictions which are assumed over the estates of deceased persons. Many examples could be given where some of the largest estates have hardly been assessed at all while the most insignificant estates, consisting often of small savings intended

for widows and orphans, have been subjected to the burdens of taxation two or three times over.

In a paper read by the chairman of your committee at the International Conference on State and Local Taxation held at Toronto, Canada, on October 6 to 9, 1908, entitled "Double and Multiple Taxation," in which, after referring to numerous cases from the state and federal reports showing how, under the direct property tax, the same property is often taxed twice or many times, occurs this passage:

"Numerous instances might also be given of double and multiple taxation arising from the imposition of inheritance or transfer taxes by the various states where the estate is under the jurisdiction of more than one state, either by reason of the residence of the decedent, the place of his death, the residence of the personal representatives or trustees of the beneficiaries, the location of the property, etc."

The suggestion is therefore an excellent one that these three important bodies, the American Bar Association, the International Tax Association and the Commissioners on Uniform State Laws should co-operate in trying to evolve a sane inheritance tax law which, through comity between the states, will give promise of being enacted by all of them. The subject receives additional importance owing to the probable enactment of a federal corporation tax law and, in the near future, also of an income tax law, whereby the states will be driven by necessity to tax inheritances as one of the few remaining available sources of revenue for state and local purposes.

As the Association is probably aware, President Taft has at the suggestion of the National Civic Alliance promised his co-operation for holding a national conference for the purpose of bringing about greater uniformity in the laws of the various states on important subjects in which they have a common interest, and surely no subject of law is more important than that of taxation. A committee has already been appointed to make arrangements for holding such a conference next January, among the members of which are included the officers of the American Bar Association and the present is therefore particularly an opportune time for the Association to take some action whereby the plan outlined in

this report may be brought to the attention of this proposed national conference with the weight of a formal vote of approval.

There seems somehow to be a disinclination on the part of the Association to give to the work, which our committee can and ought to perform, the serious consideration which it deserves and furthermore to regard this work rather with aversion for the alleged reason, as I have heard it said, that the subject of taxation intrenches upon the field of political economy and is to a great extent the subject of political discussion. As far as this argument is concerned there is no law that does not in some way invade some other field of human knowledge or endeavor, whether it be political economy, ethics or other science and no law can be kept out of political discussion, as all laws must be enacted by legislative bodies that are elected by political parties. The American Bar Association should not on that account shrink from doing its part to further salutary reform in legislation in a branch of law which deals with questions that concern every person in the United States more nearly than any other, as upon their proper solution, through wise enactments, the very existence of our government depends.

Respectfully submitted,

THEODORE SUTRO, *Chairman.*

AMASA M. EATON,

FREDERICK N. JUDSON,

ALBERT W. BIGGS,

EDGAR H. FARRAR.

**REPORT**  
**OF THE**  
**COMMITTEE ON INTERNATIONAL LAW.**

*To the American Bar Association:*

Your Committee on International Law presents its annual report, in which it seeks to briefly summarize the more important incidents of the year affecting this country which are germane to that branch of law.

The second Hague Conference left certain questions as to the laws of naval warfare unsettled, and an international naval conference was assembled in London, on December 4, 1908, for the adjustment of the same. Rear-Admiral Stockton and Professor George G. Wilson were the representatives of the United States.

The conference concluded its labors February 26, 1907, and on that day the plenipotentiaries signed an extended declaration as to such laws, which is believed to have removed the long-standing divergence as to the law of prize shown in the decisions of different nations.

Among the principal modifications as affecting the rules of law adhered to in the United States are:

“Article 17: Neutral vessels may not be captured for breach of blockade, except within the area of operations of the warships detailed to render the blockade effective.”

“Article 19: Whatever may be the ulterior destination of a vessel or of her cargo, she cannot be captured for breach of blockade if at the moment she is on her way to a non-blockaded port.”

These provisions abolish the doctrine of continuous voyage, as applied to blockade, so strongly maintained by the United States courts, and which played so great a part in the blockade of the coast of the Confederate States.

The declaration further contains extended specifications as to what are and what are not contraband of war, and these are notable in that they specify some seventeen classes of articles

which may not be declared contraband of war. Among the most important are raw cotton, wool, silk, jute, flax, hemp and other raw materials of textile industries, and yarns of the same, rubber resins, rawhides, metallic ores, earths, stone, brick, chinaware, glass, paper and paper-making materials, and agricultural, mining, textile and printing machinery. Most of the above articles are extensively exported by the United States. The declaration also allows the destruction of a neutral prize which would be liable to condemnation if the observance of the rule forbidding the same "would involve danger to the safety of the warship or to the success of the operations in which she is engaged at the time." This settles a point as to which a wide difference of opinion was shown during the late Russo-Japanese War. By Article 61, neutral vessels under national convoy are exempt from search. The declaration is, as was intended, of far-reaching importance as providing a world-wide uniform prize law for the international prize court of appeal provided for at the last Hague Conference, and it represents another great step onward in international codification. It has not as yet been acted upon by the United States Senate, the approval of which is necessary to make it binding upon the authorities of this country.

The following treaties and agreements have been entered into by the United States since the previous report of this committee:

1. A treaty with Japan for the protection of trade-marks, etc., in Korea. Proclaimed August 11, 1908.
2. A like treaty with Japan for the protection of trade-marks, etc., in China. Proclaimed August 11, 1908.
3. A commercial agreement with the Netherlands under the Tariff Act of 1897 was proclaimed August 12, 1908, reducing the duties on brandies and other spirits manufactured from grain to \$1.75 per gallon on importations from the Netherlands, and duties on mutton and salt or smoked pork and bacon, imported from this country into the Netherlands, are correspondingly reduced.
4. A convention with Sweden for the arbitration of all "questions of a legal nature or relating to the interpretation of treaties" was proclaimed September 1, 1908.

5. A like convention with Japan was also proclaimed September 1, 1908.

6. An arrangement with Belgium, Brazil, Spain, the French Republic, Great Britain, Italy, The Netherlands, Portugal, Russia, Switzerland and Egypt, for the establishment of the international office of public health, was proclaimed November 17, 1908.

7. A convention with Portugal as to extradition and an exchange of notes concerning death penalty was proclaimed December 14, 1908.

8. A treaty with Portugal for naturalization was proclaimed December 14, 1908.

9. A convention with the same power as to arbitration of all questions of a legal nature, or relating to the interpretation of treaties, was proclaimed December 14, 1908.

10. A like convention with the Swiss Confederation was proclaimed December 23, 1908.

11. And with Italy, January 23, 1909.

12. A supplemental commercial agreement with Spain was effected by the exchange of notes February 20, 1909, by which certain wines were to be received from Spain at reduced duties.

13. A sanitary convention between the United States and the powers of Latin America was proclaimed March 1, 1909, particularly addressed to the suppression of the plague, cholera and yellow fever.

14. A special agreement with Great Britain as to the North Atlantic coast fisheries was confirmed by exchange of notes March 4, 1909, providing for submission to arbitration of all differences as to the same; the tribunal to be chosen from the general list of members of the permanent court of The Hague.

15. A convention with The Netherlands for the arbitration of differences of a legal nature, or relating to the interpretation of treaties, was proclaimed March 25, 1909.

16. A like convention with Denmark was proclaimed March 29, 1909.

17. With China, April 6, 1909.

18. With Austria-Hungary, May 18, 1909.



19. With Peru, June 30, 1909.

20. A supplemental commercial agreement with Italy was proclaimed April 24, 1909, for the admission of Italian sparkling wines, and that, reciprocally, mowers and tedders produced in the United States be received in Italy at reduced duties.

21. A convention with Honduras as to naturalization was proclaimed June 8, 1909.

22. An agreement with Russia "regulating the position of corporations and other commercial associations" was proclaimed June 15, 1909, by which those regularly organized in the one country are recognized as having a legal existence in and the right to appear in the courts of the other, and by which they are given reciprocal privileges; but the right to transact business in the other sovereignty is expressly subjected to prohibition and regulation.

23. A convention with Uruguay for naturalization was proclaimed June 19, 1909.

An important and successful International Tuberculosis Congress was held at Washington, beginning September 21, 1908, and lasting three weeks. There were 6747 members, 6093 being citizens of the United States and 654 citizens of other countries, 31 independent nations being represented.

An international congress for the revision of the Berne Copyright Convention was held at Berlin, Germany, from October 14 to November 14, 1908. Mr. Thorvald Solberg, register of copyrights, attended as a delegate of the United States. The Berlin convention proposes an international copyright bureau, and defines its powers and character. It also proposes a uniform international copyright in all countries belonging to the copyright union. It proposes rules as to proof of authorship, defining the subjects of copyright, and it proposes a general copyright term for the author's life and fifty years after his death.

The United States, however, is not a member of the copyright union, and our delegate had no vote in the convention, although he attended and addressed the convention.

24. On November 30, 1898, this country and Japan exchanged

notes declaring a common policy in the region of the Pacific for and to maintain the status quo and equal commercial opportunities in China.

25. A protocol of agreement between the United States and Venezuela for the decision and adjustment of certain claims was signed at Caracas, February 13, 1909, and it has been followed by such adjustment that diplomatic relations between the United States and Venezuela, which it was our duty to report a year ago as interrupted, have now been happily resumed.

A pan-American scientific congress was held at Santiago, Chile, December 25, 1908, to January 5, 1909, at which the United States was represented by thirteen delegates, besides representatives from many universities and learned bodies of this country.

The United States has demanded of Panama reparation for the maltreatment of certain naval officers and seamen. After irritating delay, Panama has agreed to pay an indemnity of \$5000 in the Columbia case, where several officers in uniform were arrested, locked up and roughly handled in Colon; and to pay a further indemnity of \$8000 to the relatives of Boatswain's Mate Rand, of the Buffalo, who was killed in September last, and of \$1000 to sailor Crislick, of the same ship, who was stabbed at the same time, and further to dismiss all police officers present on the occasion.

These promises have been accepted by our state department with a further condition that persons other than police officers who were involved be punished by the court, and that a formal official expression of regret accompany the payments.

It will thus be seen that since the report of a year ago the United States has effected no less than twenty-five treaties, conventions or agreements looking to the promotion of justice, safety, commerce, peace and health in its international relations. Your committee respectfully submits that these beneficial achievements of the state department are matters of national congratulation and satisfaction.

CHARLES NOBLE GREGORY, *Chairman*,  
JAMES O. CROSBY,  
JAMES BROWN SCOTT.

**REPORT**  
**OF THE**  
**COMMITTEE ON COPYRIGHTS.**

*To the American Bar Association:*

Your committee was appointed three years ago to co-operate with other interests in an effort to obtain a revision of the Copyright Law of the United States. That law at that time consisted of a great patchwork of enactments, which had been made from time to time to meet special needs, and was most unscientific and incomplete, and in many particulars defective.

The interests engaged in the effort to obtain a revision of the law consisted of practically all of the industries of the United States which were to any considerable extent interested in copyright property, including, of course, authors, musicians, artists, publishers and others. The effort to remodel the law grew out of a message sent by President Roosevelt to Congress among the earliest of his official acts, and we are glad to be able to report that one of the last things he did before retiring on March 4, 1908, was to approve the new Copyright Bill.

The work of your committee was more critical than constructional. The subjects to which your committee was called upon to give special attention were the clauses relating to the inception of the copyright estate and the legal procedure for the protection of that estate, and we hope that the result of our labors will be satisfactory to the public in the future.

The English system of creating the copyright estate by publication, with notice prior to registration, has many advantages and has been adopted as a phase of the statute. The legal remedies for infringement have been made uniform in their application to all classes of copyright property, there being abundant civil remedies for infringement and a drastic criminal remedy for wilful and repeated infringement.

One of the points upon which the most serious contest took place in the framing of the bill was the protection of musical copyright. Never prior to this time has any copyright law in any part of the world given to musical copyright absolute control of the musical composition for all purposes, with the result that pianola records, phonograph disks and other removable parts of mechanical music-producing machines, were held to be free of the control of copyright, and generally speaking, this is the law of the world today. An attempt was made on the part of musicians to apply the same general law of property to musical compositions which is applied to all other forms of copyright property, but for certain considerations of public policy Congress was unwilling to grant this absolute and exclusive right. Appreciating the justice of the demand, however, they consented to grant to the musical copyright owner the absolute right to prevent the use of his copyrighted composition upon mechanical music-producing machines, so long as he did not himself use the composition for that purpose or grant the right to any other to do the same; but the provision when finally adopted provided, Section 1, Sub-section (e) :

“That whenever the owner of a musical copyright has used or permitted or knowingly acquiesced in the use of the copyrighted work upon the parts of instruments serving to reproduce mechanically the musical work, any other person may make similar use of the copyrighted work upon the payment to the copyright proprietor of a royalty of two cents on each such part manufactured, to be paid by the manufacturer thereof.”

This provision introduces into the copyright law a form of compulsory license, by which the public is protected against the possibility of monopoly; but the copyright proprietor is not given that absolute control over reproductions of his intellectual creations which might have been conferred by Congress under Article 1, Section 8, Clause 8, of the Constitution, which reads as follows:

“Congress shall have power to promote science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.”

The Supreme Court has held, in the case of *Banks vs. Manchester*, 128 U. S. 251:

“ Yet the means for securing such right to authors are to be prescribed by Congress.”

And in *United Dictionary Company vs. Merriam Company*, 207 U. S. 264, the same court said :

“ Of course Congress could attach what conditions it saw fit to its grant.”

It remains to be seen how this provision will operate in practice. The motive of Congress was very friendly to the musician, but very clearly opposed to permitting any provision of law to become the means of creating a commercial monopoly.

Since the passage of the act, there has been some expression of dissatisfaction on the part of some of the publishers with that provision (Section 31, Sub-section d) which excepts from the operation of the copyright :

“ Any book published abroad with the authorization of the author or copyright proprietor, when imported under the circumstances stated in one of the four sub-divisions following, that is to say :

“ First. When imported not more than one copy at one time for individual use and not for sale ; but such privilege of importation shall not extend to a foreign reprint of a book by an American author copyrighted in the United States.

“ Third. When imported for use and not for sale, not more than one copy of any such book in any one invoice, in good faith, by or for any society or institution incorporated for educational, literary, philosophical, scientific or religious purposes, or for the encouragement of the fine arts, or for any college, academy, school or seminary of learning, or for any state, school, college, university or free public library of the United States.”

It will be noticed that Paragraph 1 of this sub-section prohibits entirely the importation for private use of any book copyrighted in the United States by an American author, but permits the importation for private use and not for sale of a foreign print with the authorization of the foreign author, although the American edition may have been copyrighted in the United States. By another provision the prohibition of this section is made inapplicable to the authorized foreign edition in a foreign language, of which only a translation into English has been copyrighted in the United States.

The third paragraph, which permits the importation for use and not for sale of not more than one copy of any such book in any one invoice by libraries and the like, is not limited to the copyrighted works of foreign authors, but includes foreign prints of works copyrighted in the United States by American authors. These clauses have received serious criticism since their adoption by those who claim that it is highly illogical to grant to foreign authors an exclusive right to print, re-print, publish, copy and vend their works, and then carve out of that exclusive right a general privilege in favor of any individual who chooses to violate it by importing for his own use a copy of such work published abroad by authority of the author.

Similar criticism is urged against the right granted to public libraries to import a foreign edition of any work, whether by a foreign author or an American author, notwithstanding the exclusive privileges granted by the copyright to the author in the United States. It is contended by the publishers that the prime object of the copyright law is to increase the value to the author of the exclusive privilege of printing and selling his writings, so as to encourage the author to devote his time and talents to the production of valuable literary works, and it is maintained that every sale of which the author or his American publisher is deprived by this exception, is a depreciation of the reward which the author is entitled to receive and a depreciation of the advantage which he has to sell when he approaches his American publisher.

On the other hand, it is contended that it is quite as much an object of the copyright law to promote the general distribution of literature as to encourage the author, and that the right to import a foreign edition published by the author's authority in a foreign country, and presumably under copyright abroad, is no injury to the author, because the sale abroad produces as much profit to the author as the sale in the United States, and that while the sale abroad deprives the American publisher of the sale, the American publisher is not the person to be principally considered, and the American public is entitled to have within its reach in the public libraries of the country the best editions of the

works printed anywhere, and it is to be presumed that the libraries will buy for their own use the best editions, and that they will not buy foreign editions if the American editions are as good. The force of these various contentions is largely a matter which must be settled by experience.

It may be said that the present law is more favorable to the owner of the American copyright than the previous statute, in that it prohibits the importation by the individual of any work of an American author copyrighted in the United States, whereas formerly this was permitted.

On the whole, your committee is quite satisfied that the present statute marks a very distinct advance in the law of copyright in the United States. It is undoubtedly true that the new statute involves a large number of new questions which will require much litigation and construction by the courts to determine just what the law means, but we believe that the consistent and logical character of the statute will be found to be a very great improvement upon the condition of the law as it existed prior to the passage of this act.

In accordance with the provisions of Section 25, Sub-section (b), the Supreme Court has since the passage of the act and before it went into force promulgated certain rules of practice and procedure for seizures in case of infringement. These rules regulate the practice under the act so far as infringement suits are concerned.

Respectfully submitted,

ARTHUR STEUART, *Chairman*,  
WILLIAM B. HORNBLOWER,  
ROBERT H. PARKINSON,  
WILLIAM LOWELL PUTNAM,  
MELVILLE CHURCH,  
FRANK P. PRITCHARD,  
EDWARD S. ROGERS.

**REPORT**  
**OF THE**  
**SPECIAL COMMITTEE TO SUGGEST REMEDIES AND FORMU-**  
**LATE PROPOSED LAWS TO PREVENT DELAY AND**  
**UNNECESSARY COST IN LITIGATION.**

*To the American Bar Association:*

The special committee appointed at the meeting of this Association in August, 1907, and continued in August, 1908, was charged with the duty of considering carefully, alleged evils in judicial administration and remedial procedure and of suggesting remedies and formulating proposed laws.

At the meeting in August, 1908, it was directed to submit to Congress the bill which it had reported to this Association and to recommend to Congress the passage of the bill.

The second recommendation which the committee made was amended by this Association, and was recommitted to the committee.

We have given careful attention to the subjects referred for our consideration and report as follows:

**A. PROCEDURE BEFORE CONGRESS.**

The bill recommended by this Association was introduced in the House of Representatives, December 7, 1908, by Mr. Alexander, of New York. It was referred to the Committee on the Judiciary and ordered to be printed. It was introduced in the Senate by Senator Nelson, of Minnesota, and was referred to the Judiciary Committee of the Senate.

A sub-committee on behalf of this Association had a hearing before the full Judiciary Committee of the House and before a sub-committee of the Senate, consisting of Senators Dillingham, Nelson and Overman. The members of the committee of each House evinced great interest in the subject and suggested two amendments to the bill, which were approved by your committee.



We report herewith the bill in its amended form. The Association will perceive that the only change of substance was the omission of the word "affirmatively" in the first section of the bill. The committees of both houses were evidently of opinion that the use of the word "affirmatively" made the requirements so strong that it might be difficult to obtain a reversal even in meritorious cases, and that the purposes of the bill would be sufficiently accomplished by enacting the provision without this adverb.

In the judgment of your committee, the legislation intrusted to our care was effectively brought to the attention of Congress. We could hardly expect that it would be enacted at the first session at which it was presented. Communications received from members of Congress lead us to think that it will receive favorable consideration at the next session and we recommend that it be again presented at that session and that your committee be authorized to urge it upon the consideration of Congress.

In this connection we call the attention of the Association to the practice in capital cases which has been authorized by the Legislature of New York and which has worked admirably, tending to promote a prompt hearing and decision of such cases upon the merits. We quote from the opinion of the New York Court of Appeals.

*People vs. Stollo*, 191 N. Y. 42.

At pages 61 and 67, the court said:

"Under the statute our powers and duties in capital cases are strictly correlative. While we have power to reverse in the interests of justice, even where no exceptions are taken, it is also our duty to disregard errors which, although excepted to, do not affect the substantial rights of a defendant. Guided by this rule, we feel constrained to hold that none of the general criticisms referred to under this head present sufficient grounds for reversal. . . . .

"These various elements of the question, considered in connection with the functions and powers of this court, bring us face to face with the situation that is apparently paradoxical but actually logical. That is to say, we might have a condition in which we would be compelled, in a civil case, to grant a new trial

for a loss of original documentary evidence, although under similar conditions, in a case involving human life and liberty, we may be bound to deny such relief. And why should this seemingly anomalous difference exist? Because this is a court of statutory origin and vested with none but statutory jurisdiction. Thus it happens that in civil cases our powers are limited to the review of errors which are raised and presented by exceptions, while in criminal cases we are not only empowered, but commanded to give judgment without regard to technical errors or defects, or to exceptions which do not affect the substantial rights of the parties. (Code Crim. Pro., Sec. 542.) This power of review on criminal appeals is still further broadened in capital cases by the legislative direction that 'when the judgment is of death, the Court of Appeals may order a new trial, if it be satisfied that the verdict was against the weight of evidence or against law, or that justice requires a new trial, whether any exceptions shall have been taken or not in the court below.''' (Code Crim. Pro., Sec. 528.)

We also call attention to a still more recent decision of the same court in *Post vs. Bklyn. Heights R. R. Co.*, 195 N. Y. 62:

"There are errors in this record, but we find none calling for reversal, when the circumstances under which the erroneous rulings were made and their probable effect on the result are taken into account. Under our system of appeals every error does not require a new trial, for the vast judicial work of the state could not be done on that basis. Unless the error is so substantial as to raise a presumption of prejudice, it should be disregarded, for undue delay is a denial of justice. We think that the evidence received, subject to objection and exception, could have had no effect on the final result, for it did not change the material aspect of the case, or the standing of any witness, or the attitude of either party, in any respect, nor make the theory of either party more probable than it was before."

These decisions show that in one state of the Union the reforms recommended by the Association have in part been adopted by the Legislature or the courts. Experience shows already the great advantage of this improved procedure.

Your committee take great satisfaction in reporting that the recommendations of this Association as to the procedure on appeal have been approved and a bill carrying them into effect has been adopted by the Legislature of the State of Wisconsin.

Chapter 192, Laws of 1909.

This Wisconsin bill had the unanimous approval of the Judiciary Committee of both houses of the Legislature.

A similar improvement in procedure has also been enacted in Kansas.

#### B. PROCEDURE ON THE TRIAL.

In August, 1908, your committee recommended to the Association the adoption of an amendment to Section 648 of the revised statutes of the United States, regulating procedure on the trial of jury cases. The amendment proposed by the committee was debated before the Association. The object sought to be attained by the committee seemed to receive the general approval of the Association, but the form of expression was criticised. We have considered carefully the best form of expression and recommend for the approval of the Association the section which we have incorporated in the proposed bill annexed hereto, and which is therein designated as Section 2.

Your committee are of opinion that this reform in procedure is especially important for consideration at the present time, because its adoption is essential to that great object which the Association had in mind in the creation of this special committee and which your committee have considered from the first paramount; that is to say procedure which will enable the court to decide questions in controversy promptly and upon the merits.

Our object is to provide that as far as possible, when the jury is impaneled and the witnesses are present, the questions of fact should be submitted to the jury for their decision, leaving the consideration of the questions of law involved in the case for subsequent and more deliberate judgment. It is an abuse, to permit upon the trial the elaborate argument of questions of law. The lawyer under the color of making an argument on a question of law to the court, often really addresses himself to the jury and makes an argument intended to reach their ears and influence their minds before the time arrives for summing up. The temptation to do this should be removed. They have gone to this extent in New Hampshire (and counsel in that state find it a great advantage)

that the jury assess the damages finally on the first trial. If fatal errors of law have been committed on that trial the court has power to order a new trial on the other issues. But the verdict as to the quantum of damages stands. Of course, it may sometimes happen that in the trial of the question of damages errors may intrude. But every one of us can remember many cases in which a new trial has been ordered on some point entirely irrespective of the quantum of damages, in which that has been litigated all over again, to the great hardship of both parties. This adds to the expense, the difficulty and the delay; New Hampshire has eliminated it. And that was really the common law method. The frequency of our new trials is not at all a common law phenomenon and it is not a system upon which trial by jury can be defended. The whole theory of the jury trial rests upon the proposition that *recenti facto* the witnesses are called, give their evidence, the jury see the witnesses, hear their story and then pass upon the facts.

Let us draw attention to a criticism a court has made upon the contrary practice. This is what the New York Court of Appeals said, in the case of *Walters vs. Syracuse Rapid Transit Railway Company*, 178 N. Y. 50:

“It frequently happens that cases appear and reappear in this court after three or four trials, where the plaintiff on every trial has changed his testimony in order to meet the varying fortunes of the case upon appeal. It often happens that his testimony on the second trial is directly contrary to his testimony on the first trial, and, when it is apparent that it was done to meet the decision on appeal, the temptation to hold that the second story was false is almost irresistible.”<sup>1</sup>

<sup>1</sup> There is no requirement or even presumption that the evidence was the same on the second trial. The first decision on appeal is only conclusive if the evidence was the same. *Hartford F. I. Co. vs. Enoch*, 79 Ark. 475; *Mahan vs. Wood*, 79 Cal. 258; *Klauber vs. Street Car Co.*, 98 Cal. 105; *Doherty vs. Morris*, 17 Colo. 105; *Elston vs. Kennicott*, 52 Ill. 272; *Penn. Plate Glass Co. vs. James H. Rice Co.*, 216 Ill. 567; *Hendershott vs. W. U. Tel. Co.*, 114 Iowa 415; *Gibson vs. Int. Trust Company*, 186 Mass. 454; *Ohio & M. R. Co. vs. Hill*, 7 Ind. App. 255; *O'Dell vs. Goff*, 153 Mich. 653; *Nelson vs. Lumber Co.*, 96 Minn. 76; *State vs. Paxton*, 65 Neb. 110, 114; *Mo. P.*

Yet the court held that under the existing system they could not control that; and had no power in such a case upon the merits. To put it again, in their own language (*Williams vs. D. L. & W. R. R.*, 155 N. Y. 161):

“In other words, the court, believing that the plaintiff had changed his testimony falsely, with a view of avoiding the effect of the decision of this court, concluded to disregard his testimony on this trial, and held that what he testified on the former trial was true.

“There can be no doubt but the learned courts below, both at trial and general term, were actuated in their course by most praise-worthy motives, fully believing that they were promoting good morals, honesty and justice, but the question is, Was their holding in accordance with law?”

A distinction ought never to exist between honesty, morals and justice on one side, and law on the other.

It has been objected that the propositions of the committee, which were discussed at the last meeting of the Association, impair the right of trial by jury. On the contrary, we give it full effect. It gives more sanctity to the jury trial to have it ordinarily final. Let the jury dispose of the questions of fact, get them entered on the record by special findings, and then let the case go up on that record. That was the original theory upon which the framers of the English system of trial by jury proceeded. The issues were made up at Westminster, they were sent down to be tried by a jury at the Assizes; the trial took place, the jury passed upon specific issues. The practice of taking issue upon all points by a general denial sprung up after, but that was not the original system; it was a perversion of it. Under the original system the specific issues were on the record, and the verdict of the jury disposed of those issues. That verdict was entered upon the record and the court afterward proceeded to enter judgment. If a writ of error was taken from the decision

*R. Co. vs. Fox*, 60 Neb. 531, 541; *Savannah Bk. & T. Co. vs. Hart-ridge*, 75 Ga. 149; *Bloomfield vs. Buchannan*, 14 Or. 181; *Societe des Mines vs. Mackintosh*, 7 Utah 35; *Cook vs. Stimsen Mill Co.*, 41 Wash. 314. Hence in any of these jurisdictions the situation in *Walters vs. Syracuse Rapid Transit Ry. Co.* might occur.

of the court, those facts were upon the record. It was the rule, as Stephen lays it down in his famous book on Pleading (p. 119), that it was the duty of the court to render a judgment, according to the legal right, upon the whole record as it might on the whole appear.

That is an intelligent and rational system; that is, in effect, the system which prevails in equity and in admiralty. Experience shows that it is a great advantage to have the facts settled in the court of first instance. So far as the investigation is concerned, so far as the getting at the witnesses and putting their evidence before the court is concerned, that should be final.

Thus you have the immeasurable advantage of having the testimony preserved when it is fresh in the memory of the witnesses, and when they have not found out where the shoe pinches, and are not subject to the temptation of molding their testimony to suit the exigencies of the situation in the way in which the Court of Appeals states is commonly done in trials at law under the existing system.

When carefully considered it will be seen that in comparing the procedure which we recommend with that which prevails in equity and admiralty, we do not at all propose to make the verdict of the jury merely advisory, or, in other words, to give to appellate courts the power to make, in cases tried by jury, a final decision upon a conflicting question of fact. In that respect there is an intrinsic distinction between trial by jury, as we find it in the common law, and the procedure in equity and admiralty. We would give to the verdict of the jury the same effect that theoretically it has now, but which, under the present procedure it really does not have. We would obtain a finding on the facts. This finding would be entered on the record.

It would be analogous to the special verdict of the common law. In important cases, as the old reports show, a special verdict was a matter of frequent occurrence. This submitted the facts in final form to the judgment of the court *in banc*, and to that of the appellate court. Upon these facts judgment was entered, either for the plaintiff or the defendant, as the law required, upon the facts as found by the jury.

Theoretically, there still may be a special verdict, but in the ancient form of a finding, embracing all the facts of the case, it is practically obsolete.

The practice we recommend for adoption in the federal courts, and which does prevail already in the English courts and in some jurisdictions of the United States, retains all the advantages of the special verdict. It enters upon the record a finding of the jury upon the contested questions of fact, leaving it to the parties after the trial to frame a case or statement which will present the undisputed facts which are relevant to the special findings.

In what we have recommended the committee is not unmindful of the fact, that both at common law and under the existing practice, questions of law are often raised upon the pleadings. It is part of the proposition which has already received the approval of the Association, that no judgment shall be set aside or reversed, or new trial granted for error as to any matter of pleading or procedure unless it shall appear that the error complained of resulted in a miscarriage of justice. If this proposition should be adopted by Congress, all inducement to make technical objections to the form of the pleadings will be removed. Take, for example, the case of *Tooker vs. Arnold*, 76 N. Y. 397.

The complaint in that case was technically defective, but the plaintiff on the trial supplied the defect. Upon the facts as proved, and the findings of the jury thereon, the plaintiff was entitled to judgment. Nevertheless, the judgment in his favor was reversed, because the attorney, in drawing the complaint, had carelessly omitted an allegation, which the court held to be important to the cause of action.<sup>2</sup>

### C. OFFICIAL STENOGRAPHERS.

In the matter of official stenographers in the federal courts, to be paid by the United States, we think no argument is necessary to establish the fact that there should be adequate legislation therefor. The universal practice of the profession has demonstrated the indispensable character of stenographic reports of legal proceedings. So essential have stenographers become to the

<sup>2</sup> See this case in Ames' Cases on Pleading, 269.



facilitation of judicial proceedings, that every state in the union except Illinois, Tennessee and Washington has statutory provisions for official stenographers.

We annex as an appendix to this report a very brief abstract of this legislation, giving the names of the states alphabetically. From this it will appear that there is a great diversity of practice with reference to compensation for services and the price paid for transcripts and carbon copies. Compensation for services ranges from "reasonable compensation" and from four dollars a day to fifteen dollars a day and three thousand dollars a year. In the price paid for transcripts, it ranges from "reasonable compensation" and five cents a folio of one hundred words to thirty-five cents a folio, and for copies, the price ranges from "reasonable compensation" and three cents a folio to fifteen cents a folio.

The difficulties that have heretofore been encountered in the enactment of federal legislation, making one general level of compensation for official stenographers throughout the country, without reference to their location or to the price paid to stenographers in various localities, have been very great and to a large extent have rendered the efforts to procure legislation thus far ineffective. This is the same difficulty that has always been met with in connection with efforts that have been made to increase the salaries of federal judges and other federal officials. If the increase is made in order to be adequate in the courts, where large business is done and large expenses are incurred, the salary proves to be very much out of proportion in many other sections of the country where such conditions do not prevail, and it has been extremely difficult heretofore to make any adequate provision for this difficulty. The bill that we submit, we think, obviates objections of that character.

We submit a draft of a bill, which is hereto annexed as a part of this report, which provides that the compensation for services and the price for transcripts and copies shall be fixed in each district by the circuit court and that the sum to be paid in the United States courts shall not exceed that paid in the state courts in the same locality, and that the stenographers in such cases



should perform the duties and be governed by the rules and regulations prescribed by the circuit court. This provision will in our judgment meet as successfully as it can be met, the objections on the line of compensation.

#### D. RECORD ON APPEALS AND WRITS OF ERROR.

The expense of appellate proceedings is greatly and unnecessarily enhanced by the existing practice of filing in the appellate court a written or typewritten transcript of the record below. This practice is a survival from the time when the number of judges in the appellate courts was smaller, and the cost of printing much greater than at present, when printed records were not required, and when a single written transcript of the record below served all the purposes of the reviewing court. This long-hand transcript was then necessary, unless, indeed, the original record were to be certified up. Now, however, the record must in all cases be printed, and the case is practically reviewed upon the printed record, the judges seldom, if ever, having occasion to inspect the certified transcript. Printing has merely been added to the former requirements, instead of taking the place of the written transcript. Thus, the record must first be made up in the court of original jurisdiction, a typewritten transcript must be prepared and lodged in the appellate court, and the record must then be printed from this transcript. Until about twenty-five years ago, in the Supreme Court of the United States, it was also necessary to prepare for the printer a written copy of the transcript. This last practice was in that court abolished by an amendment of rule ten, providing that the original transcript should be taken to the printer. But in some courts there still intervene these two copies between the original record and the printed record on appeal, and, in all federal courts, there must still intervene the one copy. The committee propose that the expense of this copying of records be avoided by eliminating the written or typewritten transcript. This may readily be done by requiring the appellant or plaintiff in error to cause to be printed copies of the record, using for that purpose the original record in the court below, under a rule similar to Supreme Court rule

ten, above referred to. A suitable number of copies of this printed record must then be filed with the clerk of the appellate court. No other or further transcript is necessary. Necessary requirements as to the supervision of the printing, the payment of the expense thereof, the form of the printed records and the safeguarding of the original may best be provided by rule of court. An amendment of Section 698, U. S. Rev. St., relating to transcripts on appeals, is desirable, although perhaps not necessary, in order to accomplish the desired object in the federal courts. The committee submit a draft of such an amendment. In many of the States a similar reform is desirable, but the consideration of the best method of accomplishing it, may wisely be left with the bar of each State.

#### E. GENERAL PRINCIPLES OF REFORMED PROCEDURE.

The problem of delay and expense in the administration of justice is not the same in all jurisdictions. The four main factors in judicial administration, namely, (1) judicial organization, (2) the law of procedure, (3) the personnel, mode of choice and tenure of judges and (4) the organization, training and traditions of the Bar, when the whole country is considered, are highly variable. Hence it is not expedient at present to draft legislation, going into much detail, intended to be put in force throughout the country. Legislation with respect to the federal courts is practicable. But it would be unfortunate to create numerous or wide divergencies between the practice of state and federal courts in the same jurisdiction. Many of those which now exist are to be deprecated. So far as possible the practice of courts of concurrent jurisdiction in the same territorial limits should be the same. For these reasons, in the opinion of the committee, it is too soon to discuss details. The first step is to consider and determine the principles by which we are to be governed; not merely the principles which should govern legislation upon this subject, but the extent to which legislation is advisable and the scope which should be allowed for judicial rule-making and judicial adaptation of the broad principles settled by legislation to the exigencies of the administration of justice.

The first principle which the committee desire to submit is that of unification of the judicial system.

I. THE WHOLE JUDICIAL POWER OF EACH STATE, AT LEAST FOR CIVIL CAUSES, SHOULD BE VESTED IN ONE GREAT COURT, OF WHICH ALL TRIBUNALS SHOULD BE BRANCHES, DEPARTMENTS OR DIVISIONS. THE BUSINESS AS WELL AS THE JUDICIAL ADMINISTRATION OF THIS COURT SHOULD BE THOROUGHLY ORGANIZED SO AS TO PREVENT NOT MERELY WASTE OF JUDICIAL POWER, BUT ALL NEEDLESS CLERICAL WORK, DUPLICATION OF PAPERS AND RECORDS, AND THE LIKE, THUS OBVIATING EXPENSE TO LITIGANTS AND COST TO THE PUBLIC.

While the whole judicial power should be concentrated in one court, the court should be constituted in three chief branches: (1) county courts (including municipal courts), having exclusive jurisdiction of all petty causes, all of them to constitute in the aggregate one branch, but with numerous local offices where papers may be filed, and as many places for hearing of causes in each county as the exigencies of business may require; (2) a superior court of first instance (to be called by some appropriate name), having a defined original, exclusive, general jurisdiction at law, in equity, in probate and administration, in guardianship and kindred matters, and in divorce; this court to have numerous local offices where papers may be filed and at least one regular place of trial in each county, and to be divided into at least two, and probably three, divisions—(a) one for disposition of actions at law and other matters requiring a jury or of kindred nature, (b) one for equity causes and (c) one for probate, administration, guardianship and the like. The first might be called the Law Division or the Common Pleas Division, the second the Equity or the Chancery Division and the third the Probate Division. Possibly many jurisdictions would desire to unite the first two, but it seems to the committee that there is much to be said for separate administration of equity, provided the courts are free to administer whatever relief the case warrants and the distinction is made one of practical administration only. Divorce would be relegated generally to the second division, though there is much to be said for committing it to the third. The third branch would be a single ultimate

court of appeal. All judges should be judges of the whole court. They should be assigned in some appropriate way to the branch and the division thereof, or the locality in which they are to sit, but should be eligible and liable to sit in any other branch, or division, or locality when called upon to do so.

Supervision of the business administration of the whole court should be committed to some one high official of the court who would be responsible for failure to utilize the judicial power of the state effectively. He should have power to make reassignments, or temporary assignments of judges to particular branches or divisions or localities as the state of judicial business, vacancies in office, illness of judges or casualties may require. Likewise he should have the power, subject to general rules, to assign or transfer causes or proceedings therein for hearing or disposition according to the condition of dockets for the time being, and it should be his duty to see to it that the energies of the judicial department are employed fully and efficiently upon all business in hand. What this official of the whole court does for the general supervision of its affairs, should be done for each branch and each division, and where there are large cities, for each locality, by some official specially charged with this duty and responsible for the efficient and business-like conduct of its affairs and disposition of causes upon the dockets. This official should be a judge, not a clerk, and the responsibility laid on him should be such as to guard against abuse of his office and insure efficiency.

In like manner the business administration of the court should be organized. The whole clerical and stenographic force should be under control and supervision of a responsible officer, and an officer in each branch, division, and, if necessary, each locality, should have a like duty and a responsibility for efficient conduct of business commensurate therewith. The office in each locality could be an office for filing papers for the whole court and every branch and division thereof; the papers to be kept there when required in the locality, or transmitted to the proper office elsewhere. Legislation should not attempt to lay down details upon this subject. The general principles should be settled, and the remainder should be left to rules of court to be devised,

altered and improved as experience points out the problems to be met and the best solutions thereof.

In dealing with the subject of expense in the administration of justice, this subject of organization of the business side of the judicial department is of especial importance. We have carried decentralization of courts to such an extreme that in many jurisdictions the clerks are practically independent functionaries over whom courts have little real control. In some jurisdictions the clerks of supreme and appellate courts are elective officers. It is a pretty general practice to have an elective clerk of the superior court of general jurisdiction (by whatever name called), in each county. Each clerk is not merely, to a considerable degree, independent of effective judicial control, but he is wholly independent of every other clerk. No one is charged with supervision of this important branch of the judicial system. It is no one's business to make this part of the system effective, to obviate waste and needless expense and to promote improvement. The fee-system has often tended to make earning and collection of fees one of the chief objects which engrosses the clerk's attention. There is much unnecessary duplication and recopying of papers; judicial records are needlessly prolix, and hence unduly expensive. These and kindred matters may be met best by organization of the purely business side of the courts, and providing for competent and efficient supervision thereof.

There is room for difference of opinion, no doubt, with respect to the proposition to include the tribunals for dispatch of petty causes in the scheme for unification of the judicial system. It was the original plan of those who drew the Judicature Act in England to incorporate the county courts in their scheme. (Report of Judicature Commission, 1869, p. 13.) This portion of their plan failed of adoption. But the reasons in support of it are most cogent. The Municipal Court, of Chicago, has shown—if, in view of the English county courts, it needed showing—that it is perfectly feasible to administer a much higher grade of justice in petty causes than that dispensed by justices of the peace without resorting to the cumbrous and expensive machinery of our superior courts of record. The system of committing petty causes to

justices of the peace, subject to appeal to some superior court, and review of its judgment by a court of appellate jurisdiction, is too often a denial of justice to the weaker litigant. It compels men to forego just claims against those who can afford to litigate to the end, because of the delay and expense involved in asserting them. Petty causes demand good judges no less than causes involving larger sums. The judges to whom such causes are committed ought to be of such caliber that but one review should be necessary, and that confined to questions of law. The original reason for our present system was the desire to bring justice to everyone's back door in his own locality at a time when communication was slow and difficult. Under present conditions of travel the result may be reached in another way. A county judge, or a number of county judges, may go to every part of a county to try causes and dispatch business, and there may be as many local offices for filing papers and beginning causes as business may require. Nor will such a plan involve undue expense through requiring additional judges. Our present system involves waste of judicial power to such extent that more judges are now employed in many jurisdictions than a unified and thoroughly organized system with a simplified practice would demand. The county judges would be eligible to serve in any branch or division where their services for the time being might be demanded, and, on the other hand, judges assigned to other work might be used, whenever necessary, to assist in disposing of petty litigation.

It may be objected, also, that the scheme proposed is at variance with our ideals of home rule and local independence. But a loose judicial organization is not necessary to home rule and local administration of justice. Organization of the courts, and, above all, organization of the business of the courts with a view of making the most of the judicial machinery, will permit judges to go to each locality where business awaits them, dispatch it, and be sent somewhere else in accordance with an intelligent plan and under the direction of someone whose duty it is to see that the work of the court is provided for and disposed of.

The advantages of such an organization of the courts, of judi-

cial business and of the clerical and administrative work of the courts are nine:

(1) In the first place, it would make a real judicial department. The federal Department of Justice, under the headship of the Attorney-General, gives to the general government something in the line of what is proposed. But it is not in accord with the genius of our legal institutions that one who practices in the courts should be head of a department comprising the courts and charged with the supervision thereof. The several states accordingly have courts, but they do not have any true judicial department.

(2) It would do away with the waste of judicial power involved in our present system of separate courts with hard and fast personnel. Where judges are chosen for, and their competence is restricted to rigid districts, or circuits, or courts, or jurisdictions, it is a familiar consequence that business may be congested in one court while judges in another are idle. Devices for exchange of judges, or invitation to sit in another district, may sometimes mitigate this evil to some extent, but they do not reach its source. In this respect the federal Circuit Courts and Circuit Courts of Appeals are a model of flexible judicial organization. The judicial department should be so organized that its whole force may be applied to the work in hand for the time being, according to the exigencies of that work.

(3) It would do away with the bad practice of throwing causes out of court to be begun over again, in cases where they are brought or begun in the wrong place. They may be transferred simply and summarily to the proper branch or division, or rules may provide that the cause may be assigned at the outset to the place and the division where it belongs, and no question of jurisdiction of subject matter will stand in the way.

(4) It would do away with the great and unnecessary expense involved in transfer of causes, obviating all necessity of transcripts, bills of exceptions, certificates of evidence and the like, and permitting original files, papers and documents to be used, since each tribunal, as a branch or division of the whole



court, may take judicial notice of all files, papers and documents belonging to the court.

(5) It would obviate all technicalities, intricacies and pitfalls of appellate procedure. An appeal would be merely a motion for a new trial, or for modification or vacation of the judgment before another branch of the same great court. It would require no greater formality of procedure than any other motion.

(6) It would do away with the unfortunate innovation upon the common law which obtains in many states by which venue is a place where an action must be begun, rather than a place where it is to be tried, so that a mistake therein may defeat an action entirely instead of resulting merely in a change of the place of hearing. This innovation is especially unfortunate when it is applied to equity causes, where originally there was no venue. If all tribunals are parts of one court, there need be nothing beyond a transfer of the cause. All proceedings up to the date thereof may be saved.

(7) It would obviate conflicts between judges of co-ordinate jurisdiction such as unhappily obtain too often in many localities under a completely decentralized system, which depends wholly upon the good taste and sense of propriety of individual judges, or the slow process of appeal to prevent such occurrences. But a short time since it became a matter of comment and criticism in one of the great cities of the country that judges, who were supposed to be trying causes with juries only, would take up divorce cases and dispose of them out of the usual order, although they were supposed to be heard only by the judges engaged in hearing equity causes. As most of our courts are organized at present, there is nothing to prevent any judge trying any cause pending in the court he pleases, however foreign to the work he and his colleagues have agreed he shall attend to.

(8) It would allow judges to become specialists in the disposition of particular classes of litigation. The prevailing system of rotation is unfortunate. Usually where there are a number of judges they take up in rotation civil trials with juries, equity causes and criminal causes. It is becoming unusual for a



judge to be kept continuously to any one class of causes so as to become thoroughly familiar therewith. This specialization was the real advantage of separate courts of law and equity. Instead of separation between law and equity in procedure, the desirable thing is specialization in administration. The way to obtain this is to organize the courts in such way that judges may be assigned permanently to the work for which they prove most fit. So long as they make the assignment by agreement among themselves, the tendency to follow the line of least resistance will result in the unfortunate practice of periodical rotation.

(9) Finally, it would bring about better supervision and control of the administrative officers connected with judicial administration, and make it possible to introduce improved and more business-like methods in the making of judicial records and the clerical work of the courts.

The foregoing plan for unification of the courts and simplification of judicial organization would require constitutional amendments in each jurisdiction. Hence the committee do no more than submit it to the Association in order that attention may be called to the advantages of such an organization. Proposals for re-organization of the judicial system are now agitating in several states, and it seems desirable to record the opinion of the committee as to the lines along which re-organization should proceed.

The second principle which the committee desires to submit is that the details of procedure should be left to rules of court instead of being prescribed by legislative action.

II. WHENEVER IN THE FUTURE PRACTICE ACTS OR CODES OF PROCEDURE ARE DRAWN UP OR REVISED, THE STATUTES SHOULD DEAL ONLY WITH THE GENERAL FEATURES OF PROCEDURE, AND PRESCRIBE THE GENERAL LINES TO BE FOLLOWED, LEAVING DETAILS TO BE FIXED BY RULES OF COURT, WHICH THE COURTS MAY CHANGE FROM TIME TO TIME, AS ACTUAL EXPERIENCE OF THEIR APPLICATION AND OPERATION DICTATES.

The original New York Code of Civil Procedure contained three hundred and ninety-one sections. There are five hundred

and thirty-two sections in the Connecticut Practice Act, which is generally regarded as the best of the statutes founded on the New York Code. The Massachusetts Practice Act, with the addition of the sections relating to equity, contains one hundred and seventy-two sections. On the other hand, the present New York Code, which has been characterized aptly as "revision gone mad," contains some three thousand sections.

One of the chief causes of the failure of the New York reform of 1848 to accomplish all that its promoters desired was this very circumstance, that the code went into too much detail and hence was too rigid. Only legislation could change some of the minutest details of practice. Hence, when the earlier decisions construed many of its provisions in a narrow and illiberal spirit, the law was fixed and the only remedy was statutory amendment. In this way legislative tinkering with the code became a matter of course until the present overgrown mass of detail resulted. In contrast with this method of elaborate legislative detail, the English Judicature Act of 1873 contained but one hundred sections, with a schedule of fifty-eight rules of practice appended. The details were left to rules of court to be framed by the judges. The first rules were by no means what they should have been. Those who framed them had their eyes too much on equity procedure, and for a time cumbersome, dilatory and expensive proceedings were the result. But the change was not hard to make. No legislation was required. The judges changed the rules from time to time to meet the exigencies of practice until experience and the more liberal spirit of a generation brought up under the new system made themselves felt in the present rules.

Pleading and practice were originally the work of the courts. It was probably a mistake that legislation ever attempted to take them over and settle their minute details. The power of the Supreme Court of the United States to make rules in equity, admiralty and bankruptcy practice is a model that all our jurisdictions may well follow. So long as we intrust our courts with such wide powers in the making of substantive law, we may surely trust them to work out the details of adjective law. A statute going into minute detail to begin with, soon to be swollen

by legislative additions and overgrown with amendments and a gloss of judicial decisions, is not the practice act of the future. The ideal would be a clear and scientific outline, of say one hundred sections, laying out the limits and the lines of procedure, to be developed by rules of court which may be enacted, revised, amended or abrogated by experts as the exigencies of judicial administration demand.

President Taft has given the weight of his approval to this proposal. He says:

“In the first place, the codes of procedure are generally much too elaborate. It is possible to have a code of procedure simple and effective. This is shown by the present procedure in the English courts, most of which is framed by rules of court.” (The Delays of the Law. 18 Yale Law Journal, 28.)

Again he says:

“The English system consisting of a few general principles laid down in the practice act, and supplemented by rules of court to be adopted by the Supreme Court of Judicature, has worked with great benefit to the litigant, and has secured much expedition in the settlement of controversies, and has practically eliminated the discussion of points of practice and pleading in the appellate courts. My impression is, that if the judges of the court of last resort were charged with the responsibility within general lines defined by the legislature, for providing a system in which the hearings on appeal should be as far as possible with respect to the merits and not with respect to procedure, and which should make for expedition, they are about as well qualified to do this as anybody to whom the matter can be delegated.” (Id. p. 31.)

The advantages of the principle proposed are: (1) No one can anticipate in advance the exact workings of a detailed rule of practice. Change and adaptation to the exigencies of judicial administration is inevitable. The judges are best qualified to determine what experience requires and how the rule is actually working. (2) The opinion of the Bar as to the working of a rule may be made known to and made to affect the action of the judges in framing new rules or improving old ones much more easily and with better results than where the legislature must be applied to. (3) Small details do not interest the legislature and it is almost impossible to correct them. (4) Too often details in which some one member of the legislature has a personal in-

terest are dealt with by legislation, and not always in accord with the real advantages of procedure. (5) As experience shows that changes are needed and what they are, there ought to be a possibility of speedy adjustment of details of procedure. Only rules of court can meet this demand.

Two objections have been urged. First, it has been said that the judges will not exercise the power if it is given them, and will not make any rules, and the fact that the federal equity rules have long remained without substantial change (commented on by President Taft in the address above cited), has been urged by those who make this objection. But it may be answered that if the Bar had seriously urged any changes the court would no doubt have made them, and that whenever any strong demand for them arises, the court is in a position to act speedily and with full knowledge of what is required. The bankruptcy rules refute any suggestion that rules of procedure may not be provided by the action of judges. Second, it has been urged that our judges are too busy to devise rules to govern the details of practice. It might be said with more truth that our legislatures are too busy for that task. It is not necessary that the judges actually draw up the rules themselves in the first instance, any more than that legislators do so under the present practice. Bar association committees or volunteers may devise proposed rules. The difference is that the judges will pass upon and reject them or put them in force, not the legislature.

A third principle which the committee desire to submit is that of giving power to courts of review, within reasonable limits, to take further evidence.

III. WHEREVER THE ERROR COMPLAINED OF IS DEFECT OF PROOF OF SOME MATTER CAPABLE OF PROOF BY RECORD OR OTHER INCONTROVERTIBLE EVIDENCE; DEFECTIVE CERTIFICATION OR FAILURE TO LAY THE PROPER FOUNDATION FOR EVIDENCE WHICH CAN, IN FACT, WITHOUT INVOLVING SUBSTANTIAL CONTROVERSY, BE SHOWN TO BE COMPETENT, THE COURT OF REVIEW SHOULD BE GIVEN POWER TO TAKE ADDITIONAL EVIDENCE FOR THE PURPOSE OF SUSTAINING A JUDGMENT.

Lack of power in appellate tribunals to take evidence to cor-

rect mere formal defects or to supply deficiencies as to which there is record evidence or the evidence cannot admit of any substantial dispute is a serious defect in our procedure. For example, in a recent case a judgment was reversed because the law of another state was proved by what every practitioner in the latter state well knows to be the compilation of statutes in general use therein. The court that rendered this decision probably had no doubt that the sections in question were in fact the law of the state in question, and would have accepted them as such in an argument on a point of law. But the delay and expense of a new trial were necessary because the undoubted law of the foreign state was not proved in the right way. If the court of review had had power to take evidence upon this simple point, which did not admit of any real controversy, the point would not have been raised. It has been objected that a power of receiving evidence on appeal would result in taking up the time of appellate tribunals unduly with applications to take evidence and controversies over matters of fact. Such is not the experience in England, where a much wider power of receiving evidence on appeal exists than that which we recommend. Moreover, such applications will not be made and such controversies will not arise because errors will not be urged on appeal where they may be corrected speedily and without reversal, by application for leave to supply the omitted formal, record or preliminary proof.

The Revised Code of Civil Procedure of Kansas, recently enacted, contains the following provision (§ 580) :

“In all cases except those triable by a jury as a matter of constitutional right, the Supreme Court may receive further testimony. . . .”

In the opinion of the committee, the power to take new testimony generally, in the discretion of the reviewing court, in equity causes, is wisely conferred. But the committee do not believe it wise to deny this power wholly in causes triable to juries. Even in cases of the latter type, the power should be granted to take proof of matters of record or matters capable of incontrovertible proof so far as necessary to sustain verdicts. Such a practice is in no wise an infringement of jury trial. It prevents a new trial where the only purpose of the new trial is to take

proof of a matter on which there could be only one finding, and that finding, if made in the appellate tribunal, would sustain the verdict. The common law allowed this in the case of records upon motion for a new trial (*Ritchie vs. Putnam*, 13 Wend. 524).

Another principle which the committee desire to submit as one which should govern legislation with reference to organization and administration of courts, is abolition of the fee system wherever it still exists.

IV. ALL CLERKS AND OTHER EMPLOYEES OF COURTS AND ALL PERSONS HAVING PERMANENTLY TO DO IN ANY WAY WITH THE ADMINISTRATION OF JUSTICE SHOULD BE COMPENSATED BY FIXED SALARIES AND ALL FEES COLLECTED SHOULD BE PAID INTO THE PUBLIC TREASURY.

Originally in England the justices were paid by fees. In time everywhere judges of the higher courts came to be paid fixed salaries. Justices of the peace are still compensated by fees and, although clerks, sheriffs and other administrative officers having to do with the administration of justice, are more and more coming to be put upon a salary basis in the matter of compensation, there are still too many jurisdictions in which clerks of courts, compensated by fees, receive much more than the judges who preside in the courts. In several jurisdictions a very large and important part of the work of courts of equity is delegated to masters in chancery, and these masters receive fees. The objections to this practice are obvious. (1) Where an officer is paid by fees, it is inevitable that his office tends to become a money-making institution; that earning and collecting fees become its main purpose, and not the objects for which it exists. (2) Where a clerical position is rewarded by large fees, often greatly in excess of the salaries paid to judges, clerkships tend to become political positions and clerks are often chosen for political reasons rather than for ability to discharge the duties of the office. (3) Where those who have to do with the administration of justice are paid fees, a suspicion attaches, however unfounded, that officials will be governed by a desire to earn fees, and that those who are in a position to bring business involving fees to the official have an advantage by reason of that fact. Such a feeling is

an obstacle to due administration of justice and no ground should be afforded for its existence.

The committee desire also to direct the attention of the Association to the delay and expense in administration of justice in the federal courts arising from the separation of law and equity in the practice in those courts. President Taft has called attention to this subject in the address already referred to, and has spoken of the separation as unfortunate. In the opinion of the committee specialization should be sought in *administration*, but not in *procedure*. The procedure should be such that legal and equitable relief may be had in the same cause, that equitable defenses and equitable cross-demands may be interposed at law in all cases without the delay and expense of a separate proceeding in equity, and that temporary injunctions may be had in order to preserve the *status quo* pending a legal proceeding without need of resort to a separate suit in equity. But there should be as far as possible specialization in administration, so that, where there are several judges and there is much business, some should hear law cases and others equity cases, as a matter of permanent assignment, so far as due dispatch of business will allow.

The separation of law and equity in the federal courts often works especial injustice in causes removed to those courts from the courts of states where no such separation exists. Litigants are often embarrassed in this way. Through legislation or judicial decision, equitable defenses may be interposed at law in the state courts within very wide limits. Examination of the reported decisions discloses that it is often a nice and difficult question whether a defense, originally considered equitable, may be interposed at law in the federal courts or must be urged by a separate suit on the equity side of the court. Aside from this, it is obvious that the delay and expense involved in such separate suit serves no useful purpose, and such separate suit is always required, under the present practice, when an equitable cross-demand is to be asserted.

In case it is not deemed expedient to deal with this whole matter at present, it is, the committee submit, worthy of consideration whether there should not be legislation whereby in



case a federal circuit court finds that a proceeding at law should have been brought in equity or *vice versa* the court may order new pleadings in equity or at law, as the case may be, and the cause may proceed without the necessity of dismissal or discontinuance and the bringing of a new proceeding. Such legislation should also permit amendment by a party, changing his cause from law to equity or *vice versa*.

We recommend for adoption the following resolutions:

“*Resolved*, That the American Bar Association approves the provisions of the bill to regulate the judicial procedure of the courts of the United States, reported by the special committee of said Association.

“*Resolved*, That the American Bar Association approves the provisions of the bill to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation, reported by said committee.

“*Resolved*, That the American Bar Association approves the provisions of the bill to diminish the expense of proceedings on appeal and writs of error.

“*Resolved*, That the special committee to suggest remedies and formulate proposed laws be continued and that it be instructed to take such steps as it shall deem expedient to procure the introduction and passage of said bills at the next session of the Congress of the United States and to recommend the same to the attention of the committees of Congress to which said bill may be referred.

“All of which is respectfully submitted.”

EVERETT P. WHEELER,  
Chairman,

ROSCOE POUND,  
CHARLES F. AMIDON,  
JOSEPH HENRY BEALE,  
FRANK IRVINE,  
SAMUEL C. EASTMAN,  
WILLIAM E. MIKELL,

HENRY D. ESTABROOK,  
EDWARD T. SANFORD,  
CHARLES E. LITTLEFIELD,  
CHARLES S. HAMLIN,  
CHARLES B. ELLIOTT,  
GEORGE TURNER,  
JOHN D. LAWSON,  
WILLIAM L. JANUARY.



## APPENDIX A.

## AMENDED BILL

TO REGULATE THE JUDICIAL PROCEDURE OF THE COURTS OF THE  
UNITED STATES.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:*

SECTION 1. That section ten hundred and eleven of the Revised Statutes of the United States is hereby amended by adding at the end thereof the following:

“No judgment shall be set aside, or reversed, or new trial granted, by any court of the United States in any case, civil or criminal, on the ground of misdirection of the jury or the improper admission or rejection of evidence, or for error as to any matter of pleading or procedure, unless, in the opinion of the court to which application is made, after an examination of the entire cause it shall appear that the error complained of has resulted in a miscarriage of justice.”

SEC. 2. Section six hundred and forty-eight of the Revised Statutes of the United States is hereby amended by adding at the end thereof the following:

“The trial judge may in any case submit to the jury the issues of fact arising upon the pleadings, reserving any question of law arising in the case for subsequent argument and decision, and he and any court to which the case shall thereafter be taken on writ of error shall have the power to direct judgment to be entered either upon the verdict or upon the point reserved, if conclusive, as its judgment upon such point reserved may require.”

SEC. 3. That section seven hundred and nine of the Revised Statutes of the United States is hereby amended by adding at the end thereof the following:

“No writ of error shall be issued in any criminal case unless a justice of the Supreme Court shall certify that there is probable cause to believe that the defendant was unjustly convicted.”

SEC. 4. That no appeal in any habeas corpus proceeding shall be taken to the Supreme Court unless a justice of the Supreme Court has certified that there is probable cause to believe that

the petitioner in such habeas corpus proceeding is unjustly deprived of his liberty.

SEC. 5. That section five of the Act entitled "An Act to establish circuit courts of appeals and to define and regulate, in certain cases, the jurisdiction of the courts of the United States, and for other purposes," approved March third, eighteen hundred and ninety-one, as the same has been amended by an Act of Congress, approved January twentieth, eighteen hundred and ninety-seven, is hereby amended by striking out therefrom the words "in cases of conviction of a capital crime," and by adding at the end thereof the following:

"No writ of error returnable to the Supreme Court shall be issued in any criminal case, unless a justice of the Supreme Court shall certify that there is probable cause to believe that the defendant was unjustly convicted."

SEC. 6. That the Act entitled "An Act to withdraw from the Supreme Court jurisdiction of criminal cases, not capital, and confer the same on the circuit courts of appeals," approved January twentieth, eighteen hundred and ninety-seven, is hereby amended by striking out the words "not capital," so that the same shall read:

"Appeals or writs of error may be taken from the district courts to the proper circuit courts of appeals in cases of conviction of an infamous crime."

And by adding at the end of said Act the following:

"Such writ of error in criminal cases shall only be allowed by a judge of the circuit court and shall not issue until he has certified that there is probable cause to believe that the defendant was unjustly convicted."

SEC. 7. That nothing contained in this Act shall be held to repeal or modify in any way the provisions of an Act entitled "An Act providing for writs of error in certain instances in criminal cases," approved March second, nineteen hundred and seven.

## APPENDIX B.

## A BILL

TO AUTHORIZE THE APPOINTMENT OF STENOGRAPHERS IN THE  
COURTS OF THE UNITED STATES AND TO FIX THEIR  
DUTIES AND COMPENSATION.

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled:*

SECTION 1. That the Circuit Court of the United States in each district shall, for the purpose of perpetuating the testimony and proceedings therein, and in the district court in such district, appoint one or more competent stenographic reporters, as the business to be done may require, who shall be known as the official reporters of said courts and who shall hold office during the pleasure of the judges appointing them, or of the successors of said judges. Such reporters as may be appointed from time to time shall attend all sessions of or hearings before the said circuit and district courts, and shall upon the direction of the court in any civil or criminal action or proceeding take in shorthand the testimony and all proceedings had upon the trial or hearing, except the arguments of counsel, and shall, when directed by the court or a party to the proceedings, transcribe the same within such time as the court may designate and preserve the original stenographic notes for a period of not less than five years.

SEC. 2. That such reporters before entering upon the duties of the office shall be sworn to the faithful performance thereof.

SEC. 3. The transcript of the testimony and proceedings in any case when duly certified by such reporters shall be deemed *prima facie* a correct statement of such testimony and proceedings.

SEC. 4. The compensation of such stenographers for services and transcripts and their duties, and the rules and regulations relating thereto, shall be prescribed by rules to be adopted by the circuit court in each district. The compensation shall not exceed such as is now or may be hereafter provided by law in the state

courts in the state in which such circuit or district court is held, if any such law there be. Such compensation for services shall be paid to the stenographers herein authorized in the same manner as the salaries of the judicial office are paid. The fees to be paid to such stenographers by the parties to actions or proceedings in said courts shall be prescribed by rules to be adopted by said circuit court in each district. They shall not exceed such as are now or may be hereafter required to be paid to the state stenographers in the respective states in which said circuit and district courts are held, if any such there be.

APPENDIX C.  
ABSTRACT STATE AND TERRITORIAL LEGISLATION  
AS TO OFFICIAL STENOGRAPHERS.

States.	Provision official stenographers.	Salary.	Fees for trans- scripts (Fol. equals 100 words).
ALABAMA	.....Yes .....	In 13th Circuit \$145 a month. In 2d Circuit \$1200 a year.	5c. to 13c. a follo.
ARIZONA	.....Yes. "Court Re- porter."	\$1500 per annum...	15c. follo 1st copy, 5c. follo each sub- sequent copy.
ARKANSAS	.....Yes .....	\$800 per annum....	5c. 100 words.
CALIFORNIA	....Yes. "Official Re- porter." (Phono- graphic.)	For reporting testi- mony, up to \$10 a day.	1 copy, 20c. 100 words. 2 copies, 15c. 100 words. 4 copies, 9c. 100 words. 5 copies, 8c. 100 words.
COLORADO	.....Yes .....	\$10 a day.....	15c. a follo.
CONNECTICUT	..Yes .....	\$10 a day.....	10c. a follo.
DELAWARE	.....Yes .....	Not exceeding \$1000 per annum.	10c. a follo.
DISTRICT OF COLUMBIA	...No.		
FLORIDA	.....Yes .....	\$5 to \$6 a day.....	12c. a follo; 6c. car- bon copy.
GEORGIA	.....Yes .....	\$15 a day, not more than \$2500 a year from one county.	10c. a follo.
HAWAII	.....Yes .....	Whatever legisla- ture appropriates.	
IDAHO	.....Yes. "Stenographic Report."	\$2500 per annum...	7½c. a follo.

States.	Provision official stenographers.	Salary.	Fees for trans- cripts (Fol. equals 100 words).
ILLINOIS .....	No .....	Up to \$5 a day....	Up to 15c. a follo.
INDIANA .....	Yes .....	Not exceeding \$5 a day.	Not exceeding 10c. a follo.
IOWA .....	Yes .....	\$6 a day.....	6c. a follo.
KANSAS .....	Yes .....	\$1200 yearly.....	8c. follo; 8c. carbon copy.
KENTUCKY .....	Yes .....	Not more than \$1000 a year.	25c. a page. 10c. a page consisting of 30 lines, 11 words on a line.
LOUISIANA .....	Yes. In Criminal Court in Parish of New Orleans.	\$1500 a year.....	In parish of New Or- leans in civil cases 35c. a follo. Clerk may charge up to 15c. a follo in state. Clerk employs sten- ographer.
MAINE .....	Yes .....	\$5 a day and mlie- age.	10c. a follo.
MARYLAND .....	Yes .....	\$900 to \$3000.....	
MASSACHUSETTS.	Yes .....	Up to \$2500 a year; \$9 and \$10 a day.	10c. a follo.
MICHIGAN .....	Yes .....	Varies: \$900 a year, \$1500, \$2000; in some cases \$10 a day.	8c. a follo.
MINNESOTA .....	Yes .....	Not to exceed \$900 a year.	8c. a follo.
MISSISSIPPI ...	Yes .....	\$50 a week.....	10c. a follo.
MISSOURI .....	Yes .....	\$1800 a year; in some cases \$10 a day.	Up to 15c. a follo.
MONTANA .....	Yes .....	\$1800 a year and mlieage.	5c. a follo; 7½c. follo in narrative form; \$8 stenog- rapher fees.
NEBRASKA .....	Yes .....	Varies: \$1000 to \$1500 a year; in some cases \$4 a day.	10c. a follo.
NEVADA .....	Yes .....	Criminal cases to be fixed by court; Dist. Judge in 2d Dist. may have stenographer up to \$8 a day as agreed on by counsel or settled by court.	Up to 15c. a follo.
N. HAMPSHIRE..	At request court appoints.	\$5 to \$10 as court says.	Court fixes the price of follos.
NEW JERSEY ...	Yes .....	To be fixed by court; some courts allow \$10 a day.	
NEW YORK .....	Yes .....	\$1200, \$2000, \$2500 and \$3000 are among the various salaries paid.	10c. a follo.
N. CAROLINA....	Yes .....	Up to \$25 a week; \$3 a day in Durham Co., \$75 a month in Forsythe Co.	5c. copy sheet.
NORTH DAKOTA .	Yes .....	Up to \$10 a day...	15c. a follo.

States.	Provision official stenographers.	Salary.	Fees for trans- scripts (Fol. equals 100 words).
OHIO .....	Yes .....	Varies: In some cases \$1800, in others \$2400.	8c. a folio.
OKLAHOMA ....	Yes .....	Up to \$5 a day....	6c. a folio. Stenographer's costs on trial.
OREGON .....	Yes .....	\$10 a day.....	15c. a folio.
PENNSYLVANIA .	Yes .....	\$10 a day.....	15c. a folio.
RHODE ISLAND .	Yes .....	\$6 a day.....	"Reasonable compensation."
S. CAROLINA....	Yes .....	\$1200 up to \$1800..	10c. a folio.
SOUTH DAKOTA..	Yes .....	\$10 a day.....	10c. a folio.
TENNESSEE ....	Upon request a stenographer is appointed by court but is paid by party at whose instance he is employed.		
TEXAS .....	Yes .....	\$1500 year.	
UTAH .....	Yes .....	Up to \$8 a day and mileage.	8c. a folio. 10c. in narrative form. 2c. for additional copies.
VERMONT .....	Yes .....	County clerk to pay the stenographer from funds supplied for court expenses.	5c. a folio.
VIRGINIA .....	Yes .....	\$1200 a year.	
WASHINGTON ..	No.		
W. VIRGINIA ...	Yes .....	"Reasonable compensation."	20c. a folio.
WISCONSIN ....	Yes .....	\$10 a day; if same amounts to less than \$2000 a year the difference is to be paid.	5c. a folio.
WYOMING .....	Yes .....	\$6 a day.....	15c. a folio.

In the states where per diem compensation is provided for, the statute usually prescribes that it shall not exceed the sum given, and the amount to be paid to the stenographer is usually left to the discretion of the court. The statutes providing for the employment of stenographers are generally permissive in their form, usually saying that the court "may" employ a stenographer.

## APPENDIX D.

## A BILL

TO DIMINISH THE EXPENSE OF PROCEEDINGS ON APPEAL AND  
WRITS OF ERROR.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:* That section six hundred and ninety-eight of the Revised Statutes of the United States is hereby amended so as to read as follows:

“Upon the appeal of any cause in equity, or of admiralty and maritime jurisdiction, or of prize or no prize, and upon any writ of error or of *certiorari*, twenty-five printed transcripts of the record, and of such part or abstract of the proofs as rules of court may require, and of such entries and papers on file as may be necessary on the hearing of the appeal, shall be transmitted to the Supreme Court. The Supreme Court shall, by rule, provide the form and manner of printing such transcripts, and for the payment of the expense thereof, and no written or typewritten transcript of the record shall be required. Provided, that either the court below, or the Supreme Court, may order any original document or other evidence to be sent up, in addition to the printed copies of the record, or in lieu of printed copies of a part thereof.”

# OBITUARIES

## ALABAMA.

### ALEXANDER TROY LONDON.

Alexander Troy London was born in the historic town of Wilmington, North Carolina, February 28, 1847, his ancestors having settled in the old North State prior to the Revolutionary War. The Troy family numbers in its ranks many members of prominence, both in North Carolina and Alabama.

Mr. London was educated in the private schools of Wilmington and Raleigh, N. C., but before his education was complete he left school for the army, in May, 1864. He joined the ranks of the First North Carolina Regiment of Junior Reserves, and almost immediately was promoted to be regimental adjutant. At the close of the service he was acting as adjutant-general of the brigade of which his regiment formed a part. After the war, he read law under his father, in Wilmington, N. C., and was there admitted to practice June 30, 1869. About 1880, his health becoming precarious, he spent four years roughing it in a variety of occupations in South Carolina. Having recovered, he joined his uncle, Daniel S. Troy, in Montgomery, and in January, 1885, became a member of the firm of Troy, Tompkins and London, which, for a number of years, enjoyed the distinction of being one of the most noted law firms in the state.

A few years later he located at Birmingham, and almost immediately entered upon a career of leadership at the Bar, which only terminated with his death. He served at various times as counsel for the Elyton Land Company, and of its successor, also for the Birmingham Water Works Company, and for other strong corporations. In 1902 he was elected to the legislature from the County of Jefferson, and in that body, during the ses-



sion of 1903, ranked among the leaders. This was his only service of an official character, and yet he was profoundly and earnestly interested in everything bearing upon public affairs. He was actively interested in the elevation of the standards of his profession, and the Alabama State Bar Association had no more zealous member. He strove to bring about purer conditions in the administration of municipal affairs, was a strong supporter and advocate of the public schools, and joined forces with those engaged in the effort for the establishment of a free public library in the City of Birmingham.

Mr. London was known as a close student, a safe and resourceful lawyer, a lover of literature and art and a pleasant speaker. He died August 27, 1908, survived by his wife.

## DISTRICT OF COLUMBIA.

### MARTIN FERDINAND MORRIS.

Martin Ferdinand Morris was born in the City of Washington, District of Columbia, December 3, 1834, being the son of John F. and Joanna Lawton (Colbert) Morris. He was graduated from Georgetown University in 1854, and received the degree of Doctor of Laws from that university in 1877. He was admitted to the Bar, and practised his profession in the City of Baltimore from 1863 to 1867, and afterwards in Washington, to which city he went to enter into partnership with the late Richard T. Merrick. Mr. Morris remained in partnership with Mr. Merrick until the latter's death in 1885, when he formed a partnership with George E. Hamilton, under the name of Morris and Hamilton. In this firm he continued the practice of law until the establishment of the Court of Appeals of the District of Columbia in 1893, when he became an associate justice of that court, a position held until his retirement on June 30, 1906. He died at Washington, September 12, 1909.

In 1871, in connection with the late Joseph M. Toner and Charles W. Hoffman, Mr. Morris founded the Georgetown College Law School, now the Law School of Georgetown University.

He was for many years a professor in that school and published a volume of lectures on the History of the Development of Constitutional and Civil Liberty, together with numerous monographs and essays.

In his early youth Mr. Morris entered the Jesuit Order as a scholastic with a view to the priesthood, an office for which his cast of mind, scholarly tastes and personal disposition, together with his studious habits and great erudition, would have conspicuously fitted him, but he was turned from his cherished career by the death of his father.

Mr. Morris' tastes and inclinations made him pre-eminently an office lawyer and counsellor, and his appearances in court were largely in the field of argument and elucidation of legal questions, though he participated in many trials of importance, including the trial of John H. Surratt.

As a member of the Court of Appeals of the District of Columbia, Judge Morris exhibited in his opinions the learning, acumen and high logical faculty for which he was universally known in the professional and literary world of Washington, and on his retirement from the Bench he was the recipient of a tribute from the Bar of the District of Columbia, a report of which is to be found in the twenty-sixth volume of the reports of the Court of Appeals of the District of Columbia.

Judge Morris never married. In disposition and manner Judge Morris was dignified, but most unassuming and kindly in his relations with all, and, in addition to his deserved reputation as a learned and just judge, loyal in the highest degree to the law and the best traditions of the profession, he left a rare memory for loftiness of character, simplicity of life and the strictest and fullest discharge of a man's duty in its every relation.

## ILLINOIS.

### WALTER REEVES.

Walter Reeves, for many years a leading figure at the Illinois Bar, died at his home in Streator, in that state, on April 9, 1909. Mr. Reeves was born at Brownsville, Virginia, on Sep-

tember 25, 1848, and was the son of Harrison and Maria Leonard Reeves. He was taken to Illinois as a child in the year 1856, and took up his residence afterwards at Streator, and was admitted to the Bar of Illinois in 1875. He practised his profession there, and was widely and favorably known as a lawyer of prominence and ability throughout the state. Mr. Reeves was a Republican in politics, and took an active part in public affairs and in the politics of his state. In 1894 he was elected to Congress from what was then the eleventh district of Illinois, and was three times re-elected. In 1900 he was one of the leading candidates for nomination for Governor, and was defeated by a very small majority. He was an active member of the Rivers and Harbors Committee in Congress, and a useful and efficient representative of his state and district.

Mr. Reeves was married in 1876 to Miss Metta M. Cogswell.

#### LEROY DELANO THOMAN.

Leroy Delano Thoman was born in Salem, Ohio, July 31, 1851, and died at his home in Evanston, a suburb of Chicago, on Monday, April 19, 1909. Mr. Thoman was educated in the public schools of Ohio and Indiana, and for two years studied at an academy in South Whitley, in the latter state. He taught school for five years, pursuing his legal studies during this period sufficiently to qualify himself for admission to the Bar of Ohio in 1872. He practised his profession in that state, and was elected county judge of Mahoning County, serving in that capacity for six years. He always took an active interest in public affairs, and participated to some extent in politics. He was a Democrat, although during the later years of his life he did not subscribe to the views of his party on the currency and financial question. From 1883 to 1886 he served as a member of the Civil Service Commission of the United States, having been appointed by President Hayes when the commission was first created under the so-called Pendleton Act. He was always interested in the cause of Civil Service Reform, and a consistent advocate of all measures calculated to make tenure of office depend on proved fitness rather than on partisan efficiency.

He came to Chicago in 1887, and there engaged in the practice of law. His practice was of a very fine character and very lucrative.

Judge Thoman was an accomplished and agreeable gentleman, a man of high character and considerable attainments, and he enjoyed the confidence and esteem of his professional brethren. At the time of his death he was the head of the law firm of Thoman, Cornwell & Pearsons. He was a member of the Union League Club of Chicago, the Glen View Golf Club, the Evanston and the Ethical Club.

He is survived by his widow and one daughter.

#### GEORGE WILLARD.

George Willard, one of the oldest members of the Chicago Bar, died in that city May 8, 1909. He was born in the village of Natural Bridge, New York, about 1839, his father having moved to New York from Massachusetts about the year 1805.

George Willard came to Chicago in 1858. Later, he went to Wisconsin and Kansas in the pursuit of fortune, but returned to Chicago in 1861, where he lived until his death. In 1863 he became a student in the law office of Sanford B. Perry, a well-known lawyer of that time. In 1864 he became a law clerk in the office of Blodgett & Winston, at a time when these gentlemen probably had as desirable a practice as any firm in the city.

Mr. Willard pursued his professional studies at the law school of the then University of Chicago, graduating therefrom in 1865, and was admitted to the Bar in the same year. In 1870 he was appointed local attorney for the Chicago & Northwestern Railroad Company, and in 1873 became an assistant solicitor for the Pennsylvania Company, operating the Pittsburg, Fort Wayne & Chicago Railway. In 1881 he formed a partnership with George Driggs, afterwards Judge of the Circuit Court in Chicago, under the name of Willard & Driggs. Mr. Willard served for a short time as a private in Company B in the One Hundred and Thirty-second Regiment of Illinois Volunteers, during the year 1864.

He was Secretary and Treasurer of the Western Railroad Association for five years, and Master in Chancery of the Circuit Court of Cook County for six years.

On November 6, 1865, he married Miss Fannie J. Rodden, of Burlington, Vt., who, with three children, survives him.

Mr. Willard's practice was largely special, most of his time being given to the various railroad companies which employed him regularly. He was in politics a Republican, but did not participate very largely in public affairs. He was a man of extended experience in that domain of the law to which his life had been devoted. One of his last important cases was that of the Pittsburg, Cincinnati & St. Louis Railroad Company against the City of Chicago, brought to recover damages for property destroyed in the great railroad riots of 1894, in which case the railroad company recovered, in 1905, a judgment of \$100,000, the same being affirmed on appeal.

#### FREDERICK SEYMOUR WINSTON.

Frederick Seymour Winston was born in Frankfort, Ky., October 27, 1856, and died at Pasadena, Cal., March 7, 1909. Mr. Winston went to Chicago with his parents, the late Frederick Hampden Winston and Maria (Dudley) Winston, in early childhood. At the age of sixteen he entered Yale, and was graduated from that university with a degree of A. B. in the class of 1877, and about that time married Miss Ada Fountain, of New York. After leaving Yale, Mr. Winston spent a year in the Columbia Law School. He then returned to Chicago, and was admitted to the Illinois Bar in 1878. Immediately thereafter he began the practice of his profession in partnership with his father, the firm name being F. H. & F. S. Winston. In 1881 Mr. Winston was selected as assistant corporation counsel for the City of Chicago, and three years later he was made corporation counsel by the elder Carter H. Harrison, then Mayor, in which office he showed a remarkable grasp of the many, large and difficult problems which confronted the city. He resigned this office, and re-engaged in private practice in

the year 1886. From the day of his retirement from the service of the city Mr. Winston's practice grew rapidly, and for more than twenty years he enjoyed perhaps as large and as desirable a clientele as any lawyer at the Chicago Bar.

He was possessed of a judicial temperament, a creative mind, and to his natural legal talent was added the application of a close student not only of the law but of general literature. What many lawyers might regard as impossible, he frequently accomplished in some honorable way, to the satisfaction of himself, the admiration of his brethren, and to the great advantage of his clients.

Mr. Winston was known as a modest man, and while he would usually grasp and understand a complicated legal or business situation more quickly than his associates, no one ever heard from his lips a suggestion of pride of personal opinion or an intimation of egotism. He possessed to a remarkable degree the faculty of concise, accurate statement, logical arrangement, lucidity of expression, and convincing argument.

Mr. Winston's large consulting practice occupied most of his time, and in recent years he seldom appeared in court. He is survived by his widow and three children, Mervyn, Garrard B. and Frederick Hampden.

## INDIANA.

### WILLIAM L. PENFIELD.

William L. Penfield was born in Lenawee County, Mich., on April 2, 1846, and died at Washington, D. C., May 9, 1909. He spent his childhood days and youth upon the farm, aiding his parents by performing the labor which usually falls to the lot of a farmer boy, but he early determined to attain a different sphere from that of his juvenile environment. He attended the district school, and later, in the public schools of Hillsdale, fitted himself for a college course. After spending some time in Adrian College, he entered the Michigan University at Ann Arbor, where he pursued the classic course, graduating with

high honors in 1870. Soon after receiving his diploma, the chair of German and Latin in Adrian College, where he had formerly been a student, was tendered him, which position he accepted and held for two years. It was, however, his purpose to enter the legal profession, and while teaching he studied law. He was admitted to the Bar in 1872, and in January of the following year went to Auburn, and entered upon the practice of his profession.

In 1888 he was chosen presidential elector, and by the electoral college of Indiana was selected as its messenger to carry the result of the election to the President. In 1892 he was chosen delegate from his congressional district to the National Republican Convention at Minneapolis. In 1894 he was elected judge of the thirty-fifth judicial circuit of Indiana.

He served as judge until the spring of 1897, when he resigned to accept the appointment by President McKinley to the office of solicitor of the United States Department of State, and it was in this new field of labor that Judge Penfield had his first opportunity to fully demonstrate his great ability and prove his fiber. He served in that capacity throughout President McKinley's term, and, as the highest acknowledgment of his ability and great utility, was reappointed by President Roosevelt.

In 1903-4 he was appointed by the President to represent the United States in the Venezuelan arbitration before The Hague tribunal.

Mr. Penfield has also been counsel for the United States in international arbitration cases of this country against San Domingo, Peru, Haiti, Nicaragua, Guatemala and Salvador, securing awards for the United States.

After serving his government faithfully as solicitor for upwards of ten years, during which time some of the most delicate international questions in the history of our government were settled with credit to the United States, he resigned in 1906, and opened a law office in Washington in order to practise international law.

Aside from his legal work, Judge Penfield was a great student of general literature, and to a large extent mastered the

leading European languages. He not only wrote many able articles on legal subjects for magazines, but was the author of many intellectual articles and essays in different literary magazines and periodicals, and during the last few years delivered lectures on international law at the University of Washington.

Whether in public or private life, as lawyer, judge or official, he was true to duty and to the trust reposed in him. He was quiet and dignified in temperament, and yet of a genial disposition, which, combined with his broad erudition and sound judgment, commanded the confidence and esteem of those who came in contact with him.

### JAMES E. ROSE.

James E. Rose was born in Trumbull County, Ohio, December 21, 1832, and died at Auburn, DeKalb County, Indiana, April 20, 1909.

He was not only an old and honored member of the profession, but was one of the pioneers of northeastern Indiana, DeKalb County having been his home for more than seventy-two years.

His boyhood being spent on the farm, when educational facilities were rather limited in DeKalb county, Mr. Rose had the benefit of only three short terms of district school. He was fortunate, however, in having an intelligent and educated mother, who contributed more to his education than did the schools.

At the age of eighteen he was licensed to teach, and he continued teaching until 1853, when, in his twenty-first year, he entered the Wesleyan Methodist College of Leona, Mich., which he attended at intervals until 1857, supporting himself in the meantime by teaching and other work. His determination to obtain an education is evidenced by the fact that when he entered college his available cash assets amounted to \$2.75, and he supported himself during that winter by sawing wood for other students who had more money and less pluck.

In 1862 he was employed as superintendent of schools in Auburn, Indiana, and in 1863 he was admitted to the Bar,



and formed a partnership with E. W. Fosdick for the practice of the law at Butler, Ind. In 1872 he removed from Butler to Auburn, and in 1873, entered into a partnership with E. D. Hartman, which he continued until 1881. From 1881 to 1892 he practised law at Auburn, and in 1892 he and his son, James H. Rose, formed a partnership which continued until his death, except for the period when his son was judge of the Circuit Court.

In politics he was a Republican, and was present at the meeting under the oaks at Jackson, Michigan, when the Republican party was born. He never held office, although he was a candidate for Circuit Judge in 1876.

He was a man of strong convictions, a lawyer of decided ability, and given to plainness and pungency of speech. He was, moreover, honest, upright and just, and had the confidence and respect of all who knew him.

## IOWA.

### WILLIAM D. BURK.

William D. Burk was born at Johnstown, Pa., in 1849, and died August 17, 1908.

He was graduated from the law department of the Iowa State University. All his life he was fond of reading, travel and study, and he accumulated a store of legal knowledge and general information, from which he could readily draw for the benefit of his large and important clientele.

Modest and retiring in his disposition, the public work of an advocate at the trial table never had any attractions for him, but his unusual ability as a safe and conservative counsellor was fully recognized by men of affairs, and his services were eagerly sought by large and important interests.

Mr. Burk always declined office of every kind, except that of trustee of the public library, a position which he held for many years. He never married.

In politics he was a Republican. He was at one time a part-

ner of Judge J. Scott Richman, and later, of Judge Jerome Carskaddan.

He was not sixty when he died, but he had lived long enough to achieve eminence in his profession and to possess the esteem and confidence of his associates.

## KANSAS.

### WILLIAM HENRY ROSSINGTON.

William Henry Rossington was born July 31, 1848, at Galena, Ill., and died in the City of Topeka, Kan., on July 19, 1908.

His parents removed to the State of California in 1849, in which state young Rossington passed his boyhood days. Being early instructed by his father, who was a scholar of great attainments, and having also attended the Jesuit Schools of California, he entered Yale at an early age, but owing to the death of his father was compelled to leave before graduation. Upon leaving college he served as a reporter upon the "Philadelphia Press," and reported for that paper the proceedings of Congress for one session. He subsequently located in Davenport, Iowa, as a reporter and journalist, where he became acquainted with that eminent jurist and lawyer, John F. Dillon, then serving as United States Circuit Judge for the Eighth Circuit. Under Judge Dillon's advice, Mr. Rossington went to St. Louis and entered the law offices of Dryden, Lindley & Dryden, and enrolled himself as a student in the St. Louis Law School. He subsequently removed to Kansas, and in the year 1875 entered upon the active practice of his chosen profession at Topeka, Kan., forming a partnership with Charles Blood Smith, of that city, which continued until his death.

Few men ever entered upon the profession better qualified through education and natural ability to attain success than Mr. Rossington. For more than a third of a century he was well known in the courts of the West and to the profession generally throughout the country. He had a genius for clear thinking and logical analysis. Early in his career he was attracted by the chancery practice of the federal courts, and it was before the

chancellor and judge, rather than before a jury, that he was most successful.

His fine instincts, his innate sense of right, his cleanly life, his fathomless mind, his brilliant attainments, and above all, his warm, kindly, all-encompassing heart bound his friends to him as with hooks of steel. His life was as open as the day, and he was as he seemed, a great big, loving, honest man, and in his heart was the love of right, which he carried with him in his daily walks.

Few people have had more friends than Mr. Rossington, or friends more devoted. He was not only a man to be esteemed, but one to be loved by all who knew him, and his high intellectual qualities, his unusual and manifold attainments in many branches of knowledge, commanded respect and homage. His extraordinary social endowments, his clear sense of justice, his lofty regard for unstained and incorruptible honor, his unfailing consecration to the obligation of duty, the warmth and fidelity of his unselfish friendship, and his great kindness of heart, combined to make up a character exceedingly rare and one of priceless value, that rendered his death not only a private grief, but also a public calamity.

## KENTUCKY.

### JEREMIAH ROGERS MORTON.

Jeremiah Rogers Morton was born in Clark County, Ky., on February 10, 1842, and died at his home in Lexington, Ky., December 18, 1908. Possessed of a good education, in the autumn of 1862 he enlisted in the Confederate army, in Company A of the Eighth Kentucky Cavalry, attached to the command of the late General John H. Morgan, and served throughout the entire war with courage and honor. After the war he studied law at the law school of Kentucky University, and began practice in Lexington, where he continued to live and prosecute his profession. He was elected judge in 1883 to fill the vacancy occasioned by the resignation of Judge B. F. Buckner, and, being once re-elected, continued on the Bench for nine years,

until 1892, when he voluntarily resigned and resumed his practice at the Bar.

As a lawyer he was able, learned and fully equipped for service. As a judge he was painstaking, just, upright and without suspicion of partiality or unfairness, and as a citizen and friend was always ready to do his part, standing in his lot and bearing his burden in the conflict of life. In all of these capacities he was an exemplar of patience, courage, integrity and capacity, and was possessed of a most kind and lovable temper that endeared him to all.

He is survived by his widow and one son.

## LOUISIANA.

### WILLIAM WIRT HOWE.

(President of American Bar Association, 1897-1898.)

William Wirt Howe was born at Canandaigua, N. Y., November 24, 1833, and died in New Orleans, La., March 17, 1909.

He was graduated from Hamilton College in 1853, from which college he received, in 1899, the degree of LL. D. He studied law in the City of St. Louis, where he began practice, but soon removed to New York City, where he continued his professional activities.

At the opening of the Civil War he enlisted on the side of the Union, was chosen lieutenant in the Seventh Kansas Volunteers, and served continuously on staff duty, attaining the rank of major.

At the close of the Civil War he resumed the practice of law at New Orleans. He served for a time as judge of the Chief Criminal Court of New Orleans, under appointment by General Sheridan, and was subsequently appointed one of the justices of the Supreme Court of Louisiana, which position he held from 1868 to 1872. In 1897 he was elected President of the American Bar Association, of which for many years he was a prominent and useful member. In 1900 he was appointed United States District Attorney for the Eastern District of Louisiana, which office he continued to hold until his resignation in 1907.

In many lines of patriotic and philanthropic effort Judge Howe took a prominent part. From 1897 to 1900 he was President of the Civil Service Commission. He was the fourth President of the Louisiana Historical Association; he served as administrator of the Charitable Hospital of New Orleans; was Treasurer of Tulane University; was one of the incorporators and, at the time of his death, a member of the Board of Trustees of the Eye, Ear and Nose Hospital; was one of the original members of the Association for the Prevention of Cruelty to Animals; was the first President and one of the original incorporators of the New Orleans Art Association; was a delegate to and Chairman of the Conference on Combinations and Trusts in Chicago, 1899; was a member of the Board of Trustees of the Carnegie Institution of Washington.

His activities were no less in church and kindred organizations, and at the time of his death he had been the senior warden of Christ Church Cathedral for thirty-four years.

He was a lecturer of great clearness and power, often appearing before law schools and universities, and was an honored speaker at Bar association meetings in all sections of the country.

Aside from his lectures and addresses, he wrote and published a "Municipal History of New Orleans," "Monograph of Johns Hopkins," "History of François Xavier Martin," "Studies in the Civil Law," and contributed constantly to many law publications.

"A brave soldier, an able lawyer, a capable judge, a public-spirited citizen, a cultured gentleman, he merited and attained the respect of the community at large, the esteem of the members of his profession and the affections of a large circle of friends."

#### THOMAS McCABE HYMAN.

Thomas McCabe Hyman was born in Alexandria, La., in 1848, and died in New Orleans, June 28, 1909.

He received his preliminary education in Alexandria, and later the family moved to a country home at Camp Parapet, above Carrollton, where he lived for many years. Thomas

McCabe Hyman completed his schooling at the St. Joseph's Parochial School in Carrollton. When he was sixteen years of age, and while his father was Chief Justice of the Supreme Court, he was made a deputy clerk in the clerk's office, and while there studied law at the old Louisiana University, now Tulane, his legal mentor being Hon. Carleton Hunt, who was Dean of the Law Department when he was given his diploma.

In 1886 Mr. Hyman became Minute Clerk of the United States Circuit Court and served for two years. Later he became one of the assistant city attorneys. In 1891 he was unanimously selected as Clerk of the Supreme Court, the duties of which he discharged up to the time of his death.

Mr. Hyman was known as a man of wide knowledge, of thorough training in court practice, and of great discretion, and as a man who earned the respect and esteem of all those with whom he came in contact. He was a man of many noble qualities, and was considered a gentleman of the old school, suave, polite, and withal sincere.

## MAINE.

### ORVILLE DEWEY BAKER.

Orville Dewey Baker was born in Augusta, Me., December 23, 1847, and died August 16, 1908. He graduated from Bowdoin College in the class of 1868 with highest honors, studying law with his father and at the Harvard Law School, from which he was graduated in 1872. In the same year he entered upon the practice of his profession, and followed it devotedly until his death.

In 1883 he was admitted to practice before the United States Supreme Court, and in 1885 he became Attorney-General of Maine, serving two terms.

The estimation in which he was held by those best qualified to judge his talents is shown by the following extracts from a tribute to his standing as a lawyer made by a life-long friend:

"So great was his conception of legal principles, so accurate was his idea of their relations one with another, so finely ana-

lytical was the keenness of his logical mind, that in his hands the common law expanded with society and equity took on new shape. He did much for the science he so dearly loved.

"Graceful in manner, of attractive address, with a pleasing, well-modulated voice, he brought to his work all the externals of true oratory. His diction was rich, at times a prose-poem. But word-painter as he was, he never forgot that the real work of an orator is to convince.

"He believed that work was the price of all success. The royal English that often entranced his hearers was not always born of a night, but was more often the harvest of years of study and of toil. Such men deserve the fame they leave. Orville D. Baker will go down in the history of his state as a man great in whatever he undertook in life because he deserved to be great."

Mr. Baker was President of the Maine Bar Association at the time of his death. He attended the meeting of the American Bar Association held in Portland, in August, 1907.

Mr. Baker lived all his life in the house in which he was born. He had a wide circle of acquaintances and many close friends, who will ever cherish his memory and long mourn his loss.

### HILAND L. FAIRBANKS.

Hiland L. Fairbanks was born in Farmington, Me., September 21, 1871, and died at his home in Bangor, February 15, 1909.

Mr. Fairbanks obtained his early education in the local schools and Phillips' Academy, Exeter, where he passed two years, later returning to the Bangor High School, from which he was graduated in the class of 1891. He then entered Bowdoin College, from which he was graduated in 1895. At Bowdoin he became a member of the Delta Kappa Epsilon Fraternity.

Mr. Fairbanks had early selected the law for his profession, and after completing his studies at Brunswick entered the Harvard Law School, from which he was graduated in 1900. He served the city as its solicitor in 1903-1904, previous to which he had for two years been a member of the city council. In addition to carrying on his law practice, Mr. Fairbanks was associated with his father in the insurance business.

During his student days Mr. Fairbanks was well known throughout the state, and, indeed, throughout New England, because of his remarkable ability as an athlete, particularly as a football player. He was possessed of indomitable courage and a determination to overcome whatever might be the obstacles in his way. He was an unselfish and loyal friend, a devoted son and an affectionate and loving husband.

## MARYLAND.

### CONWAY WHITTLE SAMS.

Conway Whittle Sams was born in Chester, S. C., January 26, 1862, and died at Atlantic City, N. J., where he was temporarily sojourning, September 5, 1909.

Judge Sams was the son of Rev. J. Julius Sams and Mary Whittle Sams, the former for many years being Rector of Holy Trinity Protestant Episcopal Church in the City of Baltimore, Judge Sams always representing that church at the diocesan conventions, in which he took a great interest. He removed to Baltimore at the age of sixteen and entered the Carey School, later taking a special course in the Johns Hopkins University, after which he entered the Law School of the University of Maryland, from which he was graduated in 1884. After his graduation from the latter institution, he attended a special course of lectures on law at the University of Virginia. Judge Sams practised law for a number of years in Baltimore, being a member of the firm of Sams & Johnson, and later entered into politics, being elected to the City Council. In 1892 he was elected a member of the House of Delegates, and on the election of Thomas G. Hayes as Mayor of Baltimore, was appointed President of the Appeal Tax Court. Judge Sams' work in that court was so favorably received that he was retained during the succeeding administrations of Mayors McLane, Timanus and Mahool. In April, 1908, Governor Austin L. Crothers appointed him Associate Judge on the Supreme Bench of Baltimore City, which position he occupied at the time of his death. He was



President of the Maryland State Bar Association in 1906-1907, and was made Chairman of the Committee on Laws of that body in 1906. Prior to his election as President of the Association, he for many years acted as its Secretary.

The following extracts are taken from the memorial minute presented at the services of the Bench and Bar of Baltimore in honor of Judge Sams:

“Judge Sams was a well-read lawyer, of sound sense and discriminating judgment, faithful to his clients, fair and courteous to his brethren of the Bar, respectful and candid in his behavior to the Court. He served the public in the City Council of Baltimore, in the General Assembly of Maryland, and for more than eight years as Chief Judge of the Appeal Tax Court. It was in the place last mentioned that the public at large were best able to take his measure. He there showed himself devoted to the interests of the city, quick to apprehend facts, resourceful in suggestions and plans for the betterment of conditions, just and equable in his dealings with all people, whether rich or poor, who came before him, and intrepid in pursuing whatever course his reason and conscience taught him to be right. He was endowed with a native courtesy which sprang from his genuine interest in his fellow men, with a straightforwardness of thought and speech which was instinctive and invariable, with an openness of mind and sweetness of temper which were unfailing. He did not shirk either labor or responsibility; he was ready to give the best that was in him to whatever he undertook, and all his actions were inspired and regulated by a simple and unaffected piety.

“Such qualities as these presaged for him a career of distinction as a judge. Certainly they won for him the affectionate regard of his brethren of the profession of the law, who are taught by their own sorrow at his death to sympathize with the deeper grief of those who were bound to him by the close ties of blood.”

## MASSACHUSETTS.

### LEWIS STACKPOLE DABNEY.

Lewis Stackpole Dabney was born December 21, 1840, on the Island of Fayal, where his father was Consul-General of the United States, and died on May 15, 1908.

Educated at home by private tutors, he was sent, at the age of seventeen, to Harvard College, from which he graduated in 1861. He was a scholar, and much-liked and respected by his classmates; he belonged to the Phi Beta Kappa, the Institute of 1770 and the Hasty Pudding Club.

After college he entered the office of the late Associate Justice Horace Gray, but shortly afterwards volunteered and served in the Second Massachusetts Cavalry and on General Auger's staff until January, 1865, when he resigned and was discharged with honor.

On May 15, 1866, he became Assistant United States District Attorney for the District of Massachusetts, a position which he held for about six months, resigning to become associated with Hon. Richard H. Dana, Jr., in the general practice of the law. After Mr. Dana's retirement he continued to practise alone, and never thereafter had a partner.

His practice was extremely varied. For a long series of years, up to the time of his death, he was constantly before juries at *nisi prius*; he conducted many equity causes; was engaged in many contests over wills; and was engaged in many important admiralty cases tried in the Massachusetts district. At every session of the legislature he was engaged in hearings before committees and state commissions, and in addition to all this he had a large consulting practice and was trustee in a number of large trusts.

While striving in every fair way to the utmost of his ability for the success of his client, he always regarded himself as primarily an officer of justice, charged with a duty to the court and the community that right should prevail, and that the common law should develop and progress along the true lines. His mind was clear, alert and of quick perception. As a cross-examiner and advocate, and in the presentation of questions of law, he was unsurpassed.

He belonged to the Unitarian Congregation of King's Chapel, and was a member of the Somerset Club and Boston Athletic Association, as well as the Beverly Yacht Club, of which he was for some years commodore.

He married in April, 1867, Clara, second daughter of George T. Bigelow, Chief Justice of Massachusetts. Three children survive him, Frederick Lewis, Caroline Miller, wife of Augustine H. Parker, and George Bigelow. His wife died in October, 1899.

Mr. Justice Loring, of the Supreme Court, in closing his response accepting the memorial and resolutions of the Bar Association above referred to, said:

"In granting the motion of the attorney-general that these resolutions be entered upon the records of the Supreme Judicial Court, in behalf of that court I pay my tribute to the memory of a gallant gentleman, a good soldier, and a distinguished lawyer, whose service ended only with his death."

#### THOMAS JOHN GARGAN.

Thomas John Gargan was born in Boston, October 27, 1844, and died in Berlin, July 31, 1908.

He studied in the public schools, and also under Professor Peter Krose, S. J. In 1862, when he was eighteen years old, he enlisted in the Union army, and was commissioned second lieutenant. After serving five months he resigned and went into mercantile business. After some years he entered Boston University to study law, and was admitted to the Bar in 1875.

He was a member of the Massachusetts legislature in 1868, 1870 and 1876; Chairman of the Boston Board of License Commissioners in 1877 and 1878; and a member of the Board of Police Commissioners in 1880 and 1881. In 1896 he headed the Democratic Presidential Electoral ticket in Massachusetts, and from 1893 to the time of his death he was a member of the Boston Transit Commission.

Mr. Gargan was an orator and made many notable addresses on public occasions and during campaigns. He was a prominent Roman Catholic, Trustee of the Catholic Summer School of America, a member of the Catholic Union, the Mount Pleasant Council Knights of Columbus, the University and Papyrus Clubs of Boston, and the Catholic and Champlain Clubs of New York. He was a member and at one time President of

the Charitable Irish Society of Boston, and one of the founders and at one time President of the American Irish Historical Society.

On September 19, 1868, he married Catherine L., daughter of Lawrence McGrath, of Boston, who died in August, 1892. In 1898 he married Miss Helena Nordhoff, of Washington, who survives him. He left no children.

He was of a poetic and idealistic temperament, kindly, genial and charitable in his relations to the world; reliable and sincere in his friendships, and bringing to his public offices an earnest desire to do his duty.

#### BENJAMIN LOWELL MERRILL TOWER.

Benjamin Lowell Merrill Tower was born in Boston, June 17, 1848, and died suddenly on June 14, 1909.

He was educated at the Brimmer School, Boston Latin School, Harvard College and Harvard Law School, and both in school and at college proved himself an exceptionally good scholar. On graduating at the Boston Latin School in 1865 he received one of the Franklin medals, and at Harvard College he was a member of the Phi Beta Kappa and the D. K. E., as well as the Institute of 1770.

He graduated at Harvard College in 1869, and passed one year at the law school. He then entered the law office of Brooks, Ball & Storey, and in 1881 he became a member of the firm of Ball, Storey & Tower. After the dissolution of this firm in 1887, he continued in practice with Mr. Ball until the latter's death, and was afterwards senior partner of the firm of Tower, Talbot & Hiler. He married, on July 3, 1878, Eliza Curtis Kneeland, daughter of Dr. Samuel and Eliza Curtis Kneeland, of Boston, and with the exception of three years spent in Braintree, Massachusetts, he always made his home in Boston.

While in Braintree he was a member of the school board, but with this exception he never held public office, nor did he ever actively enter political life. He did not specialize in any particular branch of law, but devoted himself vigorously to general

practice, both in the courts and as a trusted adviser. He was a very upright and conscientious man, notable for his industry, and of a quick and acute intellect. He was of a shy and somewhat nervous temperament, and at the same time frank and enthusiastic, and he possessed in a high degree the rare quality of keeping his troubles and disappointments to himself, and presenting to his associates the cheerful countenance which stimulates hopefulness and courage.

He was affiliated with the Old South Congregational Church of Boston, and belonged to the Boston Athletic and University Clubs, and the Eastern, Corinthian and Hull Yacht Clubs. Yachting was his favorite recreation, and he was for some years Commodore of the Hull Club.

A widow, two sons and two daughters survive him.

## MICHIGAN.

### HIRAM J. HOYT.

Hiram J. Hoyt was born at Walled Lake, Mich., March 23, 1843, and died at Muskegon, May 17, 1909. Mr. Hoyt received his early education in the public schools of his native state, and later attended Aurora Academy at East Aurora, N. Y., from which he was graduated with distinction in 1863. Having decided upon the law as his profession, he at once took up its study in the office of the late Judge M. E. Crofoot, of Pontiac, and after three years was admitted to practice.

In 1867 Mr. Hoyt located in Muskegon and pursued a successful practice alone for several years. In 1874 he became a member of the law firm of Smith, Nims, Hoyt & Erwin. This firm has continued uninterruptedly at Muskegon for more than a quarter of a century.

Mr. Hoyt was a thirty-second-degree Mason, a member of the Muskegon Commandery Knights Templar, and was for many years an officer and member of the Universalist Church. On February 26, 1867, he married Miss Ada F. Smith, daughter of Benjamin Smith, of Oakland County, who, with one son, Wilbur S. Hoyt, survives him.

Mr. Hoyt was considered an able lawyer, his arguments strong and convincing, his manner pleasing, and he was universally admired and respected by the courts and members of the profession with whom he came in contact.

## MINNESOTA.

### WILLIAM H. BENNETT.

William H. Bennett was born in Scotland, Wyndham County, Conn., June 26, 1843, and died in Minneapolis, Minn., October 14, 1908.

Mr. Bennett was educated in the common schools of his native state, passing thence to Phillips' Academy, after which he entered Yale, where he graduated in 1866. After teaching for one year he was admitted to the Bar at Albany, N. Y. He then settled at Sterling, Ill., where he remained in practice until his removal to Minneapolis, in 1888. He was a member of the firm of Koon, Whelan & Bennett until a few months prior to his death, when he withdrew to become general counsel for the street railway company of Minneapolis.

Mr. Bennett was distinguished by eminent fairness in the conduct of his business, and by marked courtesy in his treatment of the court and opposing counsel, but there was no lack of energy or thoroughness in the prosecution of his cases. He is survived by a wife and three daughters.

### ARTHUR P. BLANCHARD.

Arthur P. Blanchard was born on June 25, 1862, in Zumbrota, Minn., and died at the Northwestern Hospital in Minneapolis, Minn., on May 27, 1909. He attended the common schools of his native town and then took a two-year course at Carleton College, Northfield, Minn. After leaving Carleton College he read law in the office of Judge Charles Blanchard, of Ottawa, Ill., and was admitted to the Bar by the Supreme Court of Illinois in 1884. He began the practice of law in Ottawa, Ill., but believing that the West afforded better opportunities, he went back to Minnesota in March, 1887, and located at Little

Falls. For a time he, with Crawford Sheldon, as Blanchard & Sheldon, pursued his chosen line of work, but after some years the firm dissolved and Mr. Blanchard went to Iowa, locating at Fort Madison. Dissatisfied with the change, however, he returned to Little Falls and again took up his professional work. In 1893 he entered into partnership with Charles A. Lindbergh, and continued as a member of the firm of Lindbergh & Blanchard until the fall of 1906.

During his life in Little Falls, Mr. Blanchard occupied several positions of honor, and on different occasions refused to accept proffered honors. He was at one time President of the local Commercial Club, and, until just before his death, served on the library board. Mr. Blanchard resigned this place to accept a retainer from the Northern Pacific Railway as local attorney. He was also city attorney at one time.

He stood far above the average in his profession, had an enviable reputation throughout the state, and at the time of his death was in the enjoyment of a large, important and lucrative practice in his own city and throughout the Northwest.

Mr. Blanchard was a man of exceptional mental powers, fine legal ability, keen sense of professional honor, and of sterling integrity.

In 1906 he married Jenny Lind Brown, of Wyalusing, Pennsylvania, who, with two daughters, survives him.

#### WILLIAM H. DONAHUE.

William H. Donahue was born in Allen Township, Hillsdale County, Michigan, September 6, 1858, and died at Philadelphia, Pa., May 2, 1909. He received his education at Hillsdale College and the University of Michigan, from which latter institution he graduated in 1881. In the same year he was admitted to the Bar and came to Minneapolis, where he continued the practice of his profession until his appointment to the District Court Bench on February 1, 1909. Upon arriving at Minneapolis he entered the office of Koon, Merrill & Keith, but in the course of a few months formed a partnership with Hon.

Stephen Mahoney, which continued until the latter's appointment as Municipal Judge. In the year 1890 he associated with Simon Meyers, under the name of Donahue & Meyers, though no partnership existed between them, and this continued until his retirement in 1909 for the purpose of accepting the position upon the Bench which had been tendered to him. This was the only public office that he held.

Judge Donahue was an influential and active member of the commission appointed to draft a charter for the City of Minneapolis, and was largely instrumental in the framing of the chapter pertaining to franchises of public service corporations. He twice represented Minnesota in the national conventions of the political party of which he was a member, and he gave freely of his time and services to the solution of problems of public interest.

He was deeply sincere in all his undertakings, and fearless in the expression and advocacy of his convictions; he had high ideals for the legal profession, its dignity, its ethics, and its membership.

On April 25, 1888, he married Mary L. Walsh, of Chicago, Ill., who, together with three daughters and two sons, survives him.

#### HENRY SYMES MAHON.

Henry Symes Mahon was born in Dublin, Ireland, April 5, 1860, and died June 29, 1908. He came to this country in 1861. His boyhood was spent in Detroit, Mich., and Framingham, Mass. He entered the University of Michigan in 1878, was graduated from the collegiate course in 1882, and received his degree from the law department in 1884. He was in the law office of Hon. Don M. Dickinson, in Detroit, Mich., until 1887, when he came to Duluth. He resided there until his death.

He was married in October, 1888, to Miss Helen Brooks, of Kalamazoo, Mich.

Mr. Mahon was an able lawyer, well known throughout the state, and was held in very high esteem by his associates in the profession, and by the community in which he lived.



## MISSISSIPPI.

## MURRAY FORBES SMITH.

Murray Forbes Smith was born at Milton, Caldwell County, N. C., on January 17, 1850, and died at his home in Vicksburg, Miss., September 27, 1909.

Mr. Smith's early education was received at the Bingham School, at Oaks, Orange County, N. C., after which he continued his studies for a time at Washington and Lee University, Lexington, Va. From the latter institution he took up the study of law in the private law school of Hon. R. M. Pearson, at Richmond Hill, N. C., and was admitted to the Bar by the Supreme Court of his native state in January, 1872. For about two years after his admission to the Bar, Mr. Smith practised his profession at Greensboro, N. C., after which he removed to Vicksburg, Miss., where, in 1874, he entered the law firm of W. B. & A. B. Pittman. After the dissolution of this firm Mr. Smith formed a partnership with T. M. Miller and Joseph Hirsh, the name of the firm being Smith, Hirsh & Landau. This firm enjoyed a large practice throughout that part of the country. Mr. Smith's success and prestige in his profession were of the most pronounced order, he being recognized as an able and versatile trial lawyer and as a sound and safe counsel.

In 1887 he was elected to represent Warren County in the lower house of the state legislature; he was a member of the Constitutional Convention of 1890; and in 1896 was honored with the election as state senator from the twelfth district, comprising Warren and Hinds counties, his term ending January, 1900. His effective services in the senate brought additional prominence to him, and on November 3, 1903, he was again elected senator to represent the same district for a term of four years. In 1892 he was appointed a delegate from the state at large to the Democratic National Convention.

Mr. Smith took an active interest in fraternal orders, and was closely identified with the Masonic Fraternity, Independent

Order of Odd Fellows, Knights of Pythias and others. He was a communicant of the Holy Trinity Protestant Episcopal Church, in which he took an active interest, being a vestryman and one of its wardens for a number of years.

In 1874 he married Miss Kate Wilson, daughter of Victor and Jane (Patchell) Wilson, of Vicksburg, who, with five children, survives him.

## MISSOURI.

### HUGH CAMPBELL WARD.

Hugh Campbell Ward was born at Westport, Mo., now a part of Kansas City, on March 10, 1864, and died in New York City, August 15, 1909.

He was educated in the public schools of Kansas City, Mo., and afterwards in William Jewell College, at Liberty, Mo., later attending Harvard University, from the law school of which he graduated and was admitted to practise law in 1889, beginning in the office of Warner, Dean & Hagerman. Shortly thereafter he opened an office in connection with Hon. Frank Hagerman, with whom, although they were not partners, he was intimately associated up to the time of Mr. Ward's death.

In 1893 Mr. Ward was elected to the state legislature, and in 1898 he was appointed by Governor Stephens a member of the Board of Police Commissioners of Kansas City, and served with distinction in that capacity until the spring of 1902, when he resigned.

In January, 1899, the firm of Ward & Hadley was organized, Mr. Ward being the senior member of the firm, and Hon. Herbert S. Hadley, now the Governor of the State of Missouri, the junior member. This partnership continued until January, 1906, when Mr. Hadley became Attorney-General of the State of Missouri, and the firm was then enlarged by the addition of Mr. Ellison A. Neel, the style of the firm thereafter being Ward, Hadley & Neel.

Mr. Ward devoted his time almost exclusively to office business, and had the handling of a great many large and important interests.

He was a man of reserve, was uncompromising in his denunciation of shams and subterfuges, was a scholar and lover of his profession for its own sake, and possessed a high, lofty and dignified idea of the practice of the law.

Mr. Ward was married in 1898 to Miss Vassie James, who survives him, together with three sons and one daughter.

## NEW HAMPSHIRE.

### CHARLES HENRY BURNS.

Charles Henry Burns was born in Milford, N. H., January 19, 1835, and died on May 22, 1909, at Wilton, N. H. Mr. Burns spent his early life on his father's farm, and after graduating in 1854 from Appleton Academy, at New Ipswich, N. H., entered Harvard Law School, from which he was graduated in 1858.

In May of the same year he was admitted to the Suffolk Bar of Massachusetts. In October following he was admitted to the New Hampshire Bar, and in January, 1859, he commenced the practice of law at Wilton, but subsequently removed his office to Nashua, N. H. For a quarter of a century he was prominently connected with the railroad legislation of the state.

Mr. Burns' practice was in both criminal and civil cases. He was one of the leading orators and advocates of the state. He was a member of the New Hampshire State Senate in 1873, and again in 1879, both years being Chairman of the Judiciary Committee, and taking a prominent part in shaping legislation. In 1876 he was appointed by Governor Cheney, County Solicitor for Hillsboro County, the largest county in the state, and he was subsequently re-elected twice to that office by the people, the Constitution of the state in the meantime having been changed so as to make the office elective. He held the

office of United States Attorney for a period of six years, beginning with the year 1881.

Mr. Burns was Judge Advocate-General on the staff of the late Governor Head, and was a delegate at large to the National Republican Convention at Cincinnati, in 1876, and represented the New Hampshire delegation on the Committee on Resolutions. He was selected to preside at the Republican State Convention held in Concord, September 10, 1878.

Mr. Burns was interested in literature and historical research, and as such was a member of the New Hampshire Historical Society and the New England Historical Genealogical Society.

He was as good a business man and financier as lawyer, and was President and Director of local banks.

#### HARRY G. SARGENT.

Harry G. Sargent was born at Pittsfield, N. H., September 30, 1859, and died at Concord, N. H., September 7, 1908.

He was educated in the public schools of Concord, graduating from the high school in 1878. Mr. Sargent first studied law in an office in Concord, then for a while in the Law School of Boston University, and finally in the office of Hon. John Y. Mugridge, in Concord, and was admitted to the Bar in 1881. While he had a desk in the office of Mr. Mugridge, he was not in partnership with anyone during the first twelve years of his practice.

He was County Solicitor from 1885 to 1887; City Solicitor from 1887 to 1901; Mayor of the city from 1901 to 1903; and was a member of the commission to revise the tax laws of the state at the time of his death.

Mr. Sargent was known as a painstaking and industrious lawyer, and relied upon his own resources to a large extent. He was most successful in the trial of jury cases, and yet he often appeared and argued with skill cases in the Supreme Court. He possessed great natural ability, and improved it by diligent study.

## NEW JERSEY

## BURROWS C. GODFREY.

Burrows C. Godfrey was born July 22, 1854, at Palermo, Cape May County, N. J., and died on August 2, 1908, at his residence on St. Charles Place, Atlantic City, N. J.

After receiving his education, and during the time he was studying law, he supported himself by teaching in the public schools of his native county. He was admitted at the June term, 1894, and at once began the practice of law in the office of his cousin, Carlton Godfrey, in Atlantic City, and a year later a partnership, which continued until his death, was formed between them under the firm name of Godfrey & Godfrey. He was admitted as a counsellor at the June term, in 1897, and in addition to an important private practice, Mr. Godfrey, during the years in which Carlton Godfrey was City Solicitor for Atlantic City and Ocean City, conducted much of the legal business of these municipalities. It was, however, probably in his work as one of the special counsel of Atlantic City, in the litigation arising out of the beach-front park, that he was best known to the public.

For over a year before his death he had been in ill health, and with the hope of regaining his strength he spent several months in Eureka Springs, Ark., but upon his return to Atlantic City failed rapidly and found himself entirely unable to resume the practice of his profession. To those who knew his serious condition, the patience with which he bore his suffering, his effort to obtain a complete cure and his hesitancy to give up his work, were but exhibitions of a strong will, supported by intense honesty of purpose not seen in the average man.

He was thorough in the preparation of his cases, methodical and slow in his reasoning and impartial and accurate in his conclusions, and was a lawyer of more than the ordinary ability. The profession has much to regret that he did not enter the ranks at least twenty years earlier in life.

Mr. Godfrey was twice President of the Atlantic County Bar Association, a member of the American Bar Association and

that office until 1875, when, having been elected a member of Congress, he resigned to take up the duties of that office. After one term in Congress he again devoted himself to the law, and continued in active practice until 1888, when he was nominated for the office of Justice of the Supreme Court from the judicial conventions of both the Republican and Democratic parties. From the first of January, 1889, until the end of 1905, he held that office. Still active in mind and body, he once more took his place in the ranks of practising lawyers, and there continued until his death.

Judge Davy was very widely known and honored. Lawyers of remote districts were glad to have him preside in their courts. In every case that came before him, he recognized that not merely the amount in controversy, but justice itself, was at stake; and to every case he gave the most careful consideration and the most thorough study. Lawyers and litigants knew that they could lean, with complete confidence, on his perfect fairness. He was free from affectation, a genial and pleasant companion, a courteous gentleman. He served his country, his state, his county and his city faithfully and well, and died, loved and honored and regretted wherever he was known.

#### GEORGE MILES DIVEN.

George Miles Diven was born in Angelica, N. Y., August 28, 1835, and died at Elmira, February 3, 1909. He received his earlier education at the Elmira Academy, and at a private preparatory school at Geneva, N. Y.

While at Hamilton College, from which he was graduated in the class of 1857, he took a course in law under Professor Theodore W. Dwight, who later attained eminence in the Law Department of Columbia University. After leaving college, for more than a year he was engaged in a large lumbering concern which his father controlled at Williamsport, Pa., after which he read law in his father's office at Elmira until he went, in 1860, to St. Louis to take charge of the financial affairs of Diven, Stancliff & Co., contractors for the construction of the Southwest

Branch of the Pacific Railroad of Missouri. Being admitted to the Bar in New York in June of that year, he returned to his work in St. Louis, intending soon to begin practice there. But the beginning of the Civil War, and his father's service in it, recalled him to Elmira, where he took up his father's law work as a partner under the style of A. S. & G. M. Diven.

From that time until his death he continued in active general practice. He was the legal representative in the State of New York of the Northern Central Railway, and later of the Pennsylvania system, and the local attorney and counsel for the Lehigh Valley Railroad. He was, through all this busy professional life, engaged in many and large industrial pursuits and interested in educational matters. He was President of the Board of Education of his city; a trustee of Hamilton College; President of the LaFrance Fire Engine Company; Director of the Erie, the Elmira and Williamsport, the Elmira and Lake Ontario, the Elmira, Cortland and Northern, the Waverly and State Line, other canal, railway and railroad companies, the Elmira Steel Rolling Mill Company, the Elmira Water Works, the Arnot-Ogden Hospital at Elmira. Of studious habits and scholarly tastes, he accumulated one of the largest private law libraries in the state, and found time to give to the enjoyment of general literature, and to the appreciation of the fine arts.

He helped organize the New York State Bar Association, of which he was President, 1891-2.

In political relations a Republican, and in church associations a Presbyterian, though of accepted leadership in one and of recognized worth in the other, he took official position under neither.

Of usually robust life, the slightly growing feebleness of advancing years he humored in recreation, spending some time in European and Mediterranean travel, and sojourning several winters in Florida, always enlarging the circle of his business and social friendships. So he came to the end of a long, useful, full life, among the friends and neighbors who had known and loved him through it all.

## CHARLES A. GARDINER.

Charles A. Gardiner was born in Canada, September 2, 1855, was educated in the public schools of Franklin and Jefferson counties, New York, and was graduated at Hamilton College in 1880. Taking a law course at the Columbia Law School, he graduated there in 1884, and in 1885 was admitted to the New York Bar and began practice in the City of New York.

Mr. Gardiner soon developed exceptional ability in the line of corporation law, and became the general attorney for the elevated and subway railway companies of the City of New York, and a director, as well as counsel, in various other railway and financial corporations.

Attention to the closer duties of his profession did not, however, interfere with his special study of constitutional and international law. He was a frequent contributor to the daily press on questions of public importance, and was the author of the following publications: "Race Problem in the United States," 1881; "National Aid to Education," 1882; "Proposed Anglo-American Alliance," 1898; "Our Right to Acquire and Hold Foreign Territory," 1899; "The Constitution and Our New Possession," 1900; "A Constitutional and Educational Solution of the Negro Problem," 1903; "True Expansion of the Empire State," 1904; "Constitutional Powers of the President," 1905; "Constitutional Discretion of the President," 1906.

Mr. Gardiner was elected a trustee of the New York University in 1898, and a trustee of Hamilton College in 1900, and became one the Regents of the University of the State of New York in 1903. From the Western Reserve University he received the degree of L. H. D.; from the Syracuse University the degrees of Ph. D. and D. C. L., and from the New York University the degree of LL. D.

He was a member of Phi Beta Kappa, of the Association of the Bar of the City of New York, and of the Metropolitan, Riding and Driving, and Ardsley Clubs.

His death occurred, while he was at the height of his powers, on April 23, 1909.



## JOSEPH LAROCQUE.

Joseph Larocque was born in New York City in 1831, and died at his home there on June 9, 1908.

He was graduated from Columbia College in 1849, and was admitted to the Bar in 1852. A few years later he formed a partnership with Samuel L. M. Barlow, William D. Shipman and W. W. MacFarland. Later, he became a partner of Judge William G. Choate, and remained a member of the firm of Shipman, Larocque & Choate until some nine years ago, when he retired from active practice, although continuing his interest in business affairs.

Mr. Larocque was a keen and accomplished lawyer, familiar with all branches of commercial law, and active in numerous commercial enterprises. He was a Director of the American Cotton Oil Company, the Cataract Construction Company, the Celluloid Company, the Niagara Development Company, the Niagara Falls Power Company, the Niagara Junction Railway, the Morton Trust Company and the Plaza Bank.

While Mr. Larocque was a Democrat, he affiliated with the Citizens' Union of New York City.

Besides being a member of the State Bar Association and of the Bar Association of the City of New York, of which he had been a Vice-President, he was a member of the Metropolitan Museum of Art, the American Museum of Natural History, and the Century, University, Reform, Riding, Metropolitan, City, Delta Phi, Columbia University Alumni and Downtown Clubs.

Mr. Larocque married Miss Annie S. Whittemore, who, with one son and a daughter, survives him.

He was recognized as an able lawyer, a courteous gentleman and an honor to the profession.

## A. RUSSELL PEABODY.

A. Russell Peabody was born August 31, 1873, and died at Babylon, Long Island, on September 23, 1908.

Shortly after his admission to the Bar, Mr. Peabody went to live at Gallatin, Tenn., where he had a large stock farm. He resided there until the year 1901, when he returned to New York and commenced the active practice of law in the offices of the late Congressman John Murray Mitchell. After Mr. Mitchell's death, Mr. Peabody maintained his own offices. He subsequently formed a partnership with Clifford W. Hartridge, under the firm name of Hartridge & Peabody, which firm was dissolved some months before Mr. Peabody's death. During the last years of his life Mr. Peabody was engaged in the general practice of law, and undertook business both of a civil and a criminal nature. He had a loving and winning disposition, and made friends of all with whom he came in contact. He was a man of the highest integrity, and was brought up to observe and respect the best traditions of his profession.

In 1894 Mr. Peabody married Miss Mary Temple Emmet, and his wife and two little children, John Watts Russell Peabody and Eleanor Russell Peabody, survive him.

## GEORGE H. YEAMAN.

George H. Yeaman was born November 1, 1829, in Hardin County, Ky., and died February 1, 1908. He studied law in his native state, and was elected Judge of the County Court of Daviess County in 1854. He was elected to the state legislature in 1861; to Congress, to fill a vacancy, in 1862, and was re-elected to Congress in 1863 for a full term. His vote in favor of the Constitutional amendment abolishing slavery caused his defeat at the next congressional election.

In 1865 he was made Minister Resident at Copenhagen, where he served five years. While Minister, he negotiated, under the direction of Mr. Seward, a treaty with Denmark for the purchase of the Islands of St. Thomas and Santa Cruz, which failed of ratification.

In 1870 he resigned his office, retired from public service and settled in the City of New York, where he continued to practise law up to the time of his death, taking special interest in questions of government law. He was for several years a lecturer on constitutional law in the Columbia Law School, and was the author of a report adopted by the Association of the Bar of the City of New York, outlining the abolition of the Superior Court and the Court of Common Pleas of New York state, and proposing to merge them into the Supreme Court, years before the adoption of that reform in the Constitution of 1894.

Mr. Yeaman, besides writing articles and pamphlets on various other subjects, was the author of "Allegiance and Naturalization," 1866; "Privateering," 1867; "The Alabama Question," 1868; "The Study of Government," 1870; "Labor and Money," 1879; "The Currency Primer," advocating the gold standard, 1896.

Mr. Yeaman was a member of the Association of the Bar of the City of New York, and of numerous institutions interested in art, natural history, economics and science.

Mr. Yeaman was studious in the preparation of his cases, courtly in his manner and notably a type of what we have come to regard as a lawyer of the old school.

## OHIO.

### J. H. CHARLES SMITH.

J. H. Charles Smith was born in Cincinnati, December 23, 1856, and died at his home in Cincinnati, April 25, 1909.

After reaching maturity the German spelling of his name was changed to the English form. He was educated in the public schools of Cincinnati. Later, he studied law at the Cincinnati Law School and graduated in the class of 1879. He kept up his studies even after that, attending lectures at the University of Cincinnati.

At the age of twenty-three he became a member of the school board, and was in that board for many years. Later, he became

a member of the Public School Examiners and Vice-President of the Public Library.

He never formed a law partnership. He early became associated with building associations, and he was one of the organizers of the Apollo Building and Loan Association, still being its attorney at the time of his death. He was also one of the organizers and attorney for the Landwehr Building and Loan Association. His practice was largely connected with real estate matters and estates.

He was very prominent in fraternal circles and was a member of the Masonic Order, the Odd Fellows, the Knights of Pythias and others, in all of which he was prominent.

His widow, who survives him, was Miss Elizabeth Perlee Waterhouse.

#### JAMES O. TROUP.

James O. Troup was born in Aberdeen, Scotland, May 11, 1845, and died at his home in Bowling Green, Ohio, July 20, 1909.

In the fall of 1851, when Mr. Troup was six years of age, his parents emigrated from Scotland to America and located near the Village of Huntington, Canada. In the spring of 1852 he moved to the United States and settled near Evansville, Ind. He attended the county district school and assisted in the support of the family by working at odd jobs in the coal mines, but the ambition of the young Scotchman led him to look beyond the life of a coal miner; he determined to obtain an education and become a lawyer, and with this determination as his goal, at the age of seventeen he ceased work at the mines and found employment with the proprietor of a large dairy, for whom he worked outside of school hours.

In this way he earned his board and tuition while attending the Evansville High School, and during vacations he earned enough to supply clothing and books for the year. After graduating at this school he entered Oberlin College, where he supported himself by working and teaching, and in 1870 he graduated from the classical department.

Mr. Troup was always true to his alma mater, and there was probably no honor that came to him in after life which he more fully appreciated and enjoyed than that of being made trustee of his old college, a position he had held for eight years at the time of his death. After finishing his college course he removed to Perrysburg, Ohio, where he was employed as superintendent of schools.

Mr. Troup, still clinging to the determination he had planned while a boy of becoming a lawyer, soon ceased school work and entered upon the study of law in the office of Hon. Asher Cook, of Perrysburg, and was admitted to the Bar in 1873, when he formed a partnership with his preceptor, Judge Cook, and this firm continued until the death of Judge Cook. Mr. Troup afterwards formed a partnership with Robert Dunn, and afterwards with Hon. F. P. Riegler. The firm of Troup & Riegler continued until the death of Mr. Troup.

He was a member of the county board of school examiners from 1873 to 1878, and for several years was a member of the committee appointed by the Supreme Court of the State for the examination of applicants for admission to the Bar.

Mr. Troup was a pleasant companion, an interesting conversationalist, and one whose company was sought by all classes of people, and was ever ready to render a helping hand to anyone in need.

## PENNSYLVANIA.

### WILLIAM CORREY STRAWBRIDGE.

After a long period of ill health, for the relief of which many trips to the baths of Germany were without permanent benefit, William Correy Strawbridge, one of the most distinguished patent lawyers in the country, died on September 20, 1908, at his residence in Philadelphia. His last voyage to the baths of Bad Homburg, in the summer of 1908, was taken in the forlorn hope that good might result. He was, however, fatally stricken soon after his arrival, and, with the full realization that his end was fast approaching, insisted upon returning. He sur-

vived the voyage only nine days, and passed away, as he had wished, in his own home.

Mr. Strawbridge was born at Elkview, Chester County, Pa., on June 24, 1848, upon a farm which his ancestors had owned, and where they had lived since the time of William Penn. He was the son of James Alexander and Mary Niven (Hodgson) Strawbridge. His early years were passed under the wholesome conditions of country life. After an early education in the country schools, he entered the Rensselaer Polytechnic Institute, where he was President of his class, and from which he was graduated in 1870, with the highest honors in engineering, chemistry and metallurgy. While at Troy he married Miss Mary Ruth Liney, of that city, who survives him.

After his graduation, he became for a time assistant superintendent of the Pennsylvania Steel Company at Harrisburg, but was soon attracted to the study of the law, and entering the office of the late Hon. F. Carroll Brewster, of Philadelphia, was admitted to the Philadelphia Bar in 1873.

After two years' association with Judge Brewster in general practice, Mr. Strawbridge, unable to resist his natural bent, became associated, in 1875, with the late George Harding, at that time, and until his death, the most eminent practitioner in the patent law within the United States. After three years' association with Mr. Harding, Mr. Strawbridge formed a law partnership with J. Bonsall Taylor, under the firm name of Strawbridge & Taylor, and continued for twenty-one years, and until the retirement of Mr. Taylor, to confine his energies exclusively to patent causes. Throughout his active life he enjoyed a large and lucrative practice.

He was appointed by President Cleveland special counsel for the government in the Bell Telephone litigation, and as Assistant United States Attorney-General rendered efficient service in that celebrated case.

In the long years of his active practice Mr. Strawbridge was associated with and opposed to the leading patent lawyers in almost every large city in the country, and was generally recognized by the profession as the equal of the best of them.

He was by nature and mental equipment not only a well qualified practitioner in the intricate field of his choice, but was also a winner of cases because he knew both how to prepare and how to try them.

Among his strongest characteristics were his self-reliance and his utter disbelief in the ability of his adversary to overcome him when once he had determined upon his course. He was an aggressive opponent but a charming colleague, strong in a vigorous presence and an attractive personality. In point of fact, he was a man of few close friends, to each of whom, however, his devotion was strong and lasting.

Although essentially a domestic man, Mr. Strawbridge was yet a man of the world in the best sense, a comrade sought for his unobtrusive companionship, his sense of humor, and his common sense, which was not only inherent but fostered and enlarged by a wide experience of men and things.

In his death the federal Bar has lost a representative whose life and practice upheld the highest tenets of professional ethics, and his friends and clients a sincere associate and adviser whose place will not easily be filled.

SUMMARY OF PROCEEDINGS  
OF  
STATE BAR ASSOCIATIONS

ALABAMA STATE BAR ASSOCIATION.

No report has been received.

ARIZONA BAR ASSOCIATION.

No report has been received.

BAR ASSOCIATION OF ARKANSAS.

No report has been received.

CALIFORNIA STATE BAR ASSOCIATION.

No report has been received.

COLORADO BAR ASSOCIATION.

No report has been received.

STATE BAR ASSOCIATION OF CONNECTICUT.

The first annual meeting of the Association to take place after its re-organization, was held at New Haven, on January 16, 1909.

Mr. George D. Watrous, President of the Association, in his annual address, gave a history of the State Bar Association, which was founded in 1875. Mr. Watrous explained that the adoption of the Practice Act was the result of the efforts of the State Bar Association, and that the American Bar Association grew out of the action taken by the Connecticut Association on January 23, 1878, when a committee of three was appointed to consider the propriety of organizing an association of American lawyers.



The report of the Committee on Jurisprudence recommending an act of legislature to establish judicial separation of husband and wife was adopted. The recommendation in the report of this committee that no legislation should be urged protecting communications of medical and spiritual advisers was adopted.

The Association also voted in favor of the control and regulation of the employment of experts in criminal cases.

Matters of Connecticut practice and procedure were discussed.

Since the annual meeting, a Special Committee on the adoption of a Code of Professional Ethics has made its report, and has recommended a Code of Professional Ethics, based on the American Bar Association Code, with certain changes deemed advisable for local conditions. This report has not yet been acted upon by the Association.

#### DELAWARE STATE BAR ASSOCIATION.

No meeting of the Delaware State Bar Association was held this year.

#### BAR ASSOCIATION OF THE DISTRICT OF COLUMBIA.

This Association holds stated meetings on the second Tuesdays of January, March, June and October, in each year. No addresses are delivered.

#### THE FLORIDA STATE BAR ASSOCIATION.

The third annual meeting of The Florida State Bar Association was held at the Elks' Club, St. Augustine, Florida, February 19 and 20, 1909, and was presided over by the President, Frederick T. Myers. The principal address was delivered by Hon. Hannis Taylor, of Alabama, upon "The Science of Jurisprudence."

The annual address was delivered by Hon. Frederick T. Myers, of Tallahassee, the President of the Association, whose subject was, "Which, the Mob or the Law?"

Interesting papers were read by Hon. Rhydon M. Call, Judge of the Fourth Judicial Circuit, entitled "Remarks on the Judiciary Article and Suggestions as to Changes in Present Laws"; and by A. A. Boggs, Esq., on "Proximate Cause in the Law of Torts."

## GEORGIA BAR ASSOCIATION.

No report has been received.

## BAR ASSOCIATION OF THE HAWAIIAN ISLANDS.

The business of this Association during the past year has been purely local, no addresses were delivered, and no matters were referred to committees and no legislation proposed except of a local nature. The Association's proceedings were not reported.

## THE IDAHO STATE BAR ASSOCIATION.

The Idaho State Bar Association held its first annual meeting at Boise, Idaho, on January 7 and 8, 1909, under the authority of the President. While this was the first annual meeting, the Association has been in existence for nine years previous to 1909, but had had no former meetings of any kind during that time, and had taken no active part as an organization in the affairs of the Bar, state or county.

The President's address was delivered by Hon. James E. Babb, of Lewiston, Idaho, who had been President since the formation of the Association. His address dealt mainly with the subject of "Needed Legislation," and in particular with legislation providing for a simpler mode of procedure in courts of record.

The annual address was delivered by Hon. James H. Hawley, of Boise, Idaho. Committees were appointed for the purpose of preparing a bill on uniform laws to be presented to the legislature; to examine into the Code of Professional Ethics of the American Bar Association, and report conclusions at the next annual meeting of the state Association; to prepare a bill to present to the legislature providing for the appointment of a commission with powers and duties to draft bills in constitutional and legal form at the instance of the legislature.

The debate centered largely around the question of proposed legislation. A reform in the system of appeals was urged by many members, and many were in favor of greatly simplifying the system of appeals after the fashion of the system now obtaining in England.

A discussion was also had over the adoption of the various canons of professional ethics of the American Bar Association.

The following papers were presented and read before the Association: "Our Court System," by Hon. Fremont Wood, Boise, Idaho; "Appeals from the Standpoint of a Supreme Court Judge," by Hon. James F. Ailshie, Boise, Idaho; "Needed Legislation," by Hon. O. E. McCutcheon, Idaho Falls, Idaho; "The State Bar Association," by B. S. Crow, Esq., Boise, Idaho.

#### ILLINOIS STATE BAR ASSOCIATION.

No report has been received.

#### STATE BAR ASSOCIATION OF INDIANA.

The thirteenth annual meeting of the State Bar Association of Indiana was held at the Country Club, Indianapolis, Indiana, on July 7 and 8, 1909.

The President's address was delivered by Hon. Dan W. Simms, of Lafayette, Indiana, upon "The Law and the Lawyer."

The annual address was delivered by Hon. Alexander P. Humphrey, of Louisville, Kentucky, upon "The Last Year with the United States Supreme Court," being a résumé and analysis of the decisions of that court during the past year.

Action was taken upon the following matters reported and debated:

The Canons of Professional Ethics as adopted by the American Bar Association were reported favorably and adopted by this Association, save Section 11 in which the words "with the exception of where he has the consent of his client" were stricken out, and a committee was named to take proper steps to have the Code of Professional Ethics made a part of the rules of all Indiana courts.

A committee was named to devise a plan and report a bill to take the nomination and election of judges out of politics, either by a separate election for such officers, or by listing all candidates for such offices as "Judicial Candidates," and not under party designation.

A resolution was adopted expressing the sense of the Association that no cause be reversed on appeal, unless it affirmatively appears that a correct result was not reached in the lower court.

Action was taken looking to the appointment of examiners in each Congressional District for determining the qualifications of applicants for admission to the Bar, and a committee was appointed to further the adoption of the pending constitutional amendment as to qualifications for admission to practice.

The paper of Hon. Addison C. Harris, on "Modern Views of Compensation for Personal Injuries," was referred to the Committee on Jurisprudence and Law Reform for action at the next meeting of the Association.

The following papers were read: "Indiana Courts," by James S. Dodge, of Elkhart; "Modern Views of Compensation for Personal Injuries," by Addison C. Harris, of Indianapolis; "The Trouble with the Law," by William Dudley Foulke, of Richmond; "The State Bar Association of Indiana," by Emory B. Sellers, of Monticello; "Lawyers and Courts," by Casius C. Hadley, of Indianapolis.

#### IOWA STATE BAR ASSOCIATION.

The Association held its fifteenth annual meeting at Marshalltown, Iowa, on June 24 and 25, 1909.

The President's address, delivered by Hon. James W. Bollinger, was upon the subject "Upward Tendencies in our Proposed Reforms." The address treated of contingent fees, the amendment of indictments, and the jury commission.

The annual address was delivered by Prof. John H. Wigmore upon "The Science of Criminology-Rules of Evidence in Criminal Cases."

The Committee on Law Reform made the following recommendations, which were favorably acted upon by the Association:

1. "The legislature should provide by law that all private banks doing business in this state shall be subject to the same examination and control as state and savings banks.

2. "The law should provide that contracts for contingent fees to attorneys, while permissible and lawful, should be subject to

the approval of the court trying the case, or if there be a settlement out of court, be subject to review by any court having jurisdiction of the parties, the court in either case to have power to fix the fee notwithstanding the agreement of the parties.

3. "A statute should be enacted reading substantially as follows: No judgment should be set aside or a new trial granted on appeal in any cause, civil or criminal, on the ground of misdirection of the jury or the admission or rejection of evidence, or for any matter of pleading or procedure, unless in the opinion of the appellate tribunal prejudice is affirmatively shown, or the court finds that the error complained of has resulted in a miscarriage of justice.

4. "This Association recommends a change in the law respecting the preparation of jury lists so as to substitute for the judges of election, a jury commission to prepare the lists."

The Committee on Legal Ethics of the Association reported for adoption by the Association without change The Canons of Professional Ethics, adopted by the American Bar Association at its annual meeting, August, 1908. This report and recommendation were unanimously adopted.

The Association also recommended to the state legislature the substitution of the oath of admission recommended by the American Bar Association in lieu of the oath now prescribed by statute.

The Committee on Legal Education and Admission to the Bar recommended that the law schools of the state give special instruction in the Code of Ethics, which recommendation was adopted by the Association.

The following papers were read: "Tendencies in Legal Education," by Prof. H. Claude Horack; "Should the Method of Selecting our Judiciary be Changed," by B. I. Salinger.

#### THE BAR ASSOCIATION OF THE STATE OF KANSAS.

The twenty-sixth annual meeting of the Bar Association of the State of Kansas was held in Topeka, January 27 and 28, 1909.

President J. B. Larimer delivered a very exhaustive address, the subject of which was "The Torrens System of Registering Land Titles."

The annual address was made by Mr. S. S. Gregory, of Chicago, his subject being "National Sovereignty."

A Code of Professional Ethics was adopted, substantially the same as that heretofore adopted by the American Bar Association.

Revision of the code was discussed fully, and a committee appointed to further the matter of code revision before the legislature. The Association and the committee did its work so well that the legislature adopted the code with scarcely any discussion, and the new code is now in force in Kansas.

Other addresses were as follows: "Money Paid Under Mistake of Law," by R. O. Douglass, of Mound City; "The Law and the Times," by Gordon L. Finley, of Dodge City; "The State and the Criminal in Kansas," by William E. Higgins, of Lawrence; "Twenty-five Years of Kansas Bar Association—The Bar," by Winfield Freeman, of Kansas City; "The Interstate Commerce Commission," by Arthur M. Jackson, of Leavenworth; "Some Phases of Interstate Commerce," by George H. Whitcomb, of Topeka.

#### KENTUCKY STATE BAR ASSOCIATION.

No report has been received.

#### LOUISIANA BAR ASSOCIATION.

No report has been received.

#### MAINE STATE BAR ASSOCIATION.

The sixteenth annual meeting of this Association was held in the senate chamber, State House, in Augusta, on January 14, 1909.

Luere B. Deasy, of Bar Harbor, Vice-President, presided, the President, Hon. Orville D. Baker, of Augusta, having died in office, August 16, 1908. Mr. Deasy was elected President of the Association.

Hon. Albert E. Pillsbury, of Boston, and Ex-Attorney General of Massachusetts, delivered a very interesting address on the Fifteenth Amendment to the United States Constitution. The

address was a reply to an article in the January number of the *North American Review*, written by Hon. Martin F. Morris, formerly Justice of the Court of Appeals of the District of Columbia. Mr. Pillsbury's address, with some additions, has been reproduced since its delivery in the *North American Review* of May.

The Association adopted the Canons of Professional Ethics adopted by the American Bar Association, August, 1908.

The matter of the oath recommended by the American Bar Association was referred to the Committee on Law Reform.

An act in relation to expert evidence, drafted by Chief Justice Emery, was considered and discussed, and referred to the Committee on Law Reform.

#### MARYLAND STATE BAR ASSOCIATION.

The fourteenth annual meeting was held at Old Point Comfort, Virginia, on July 7, 8 and 9, 1909. The President, William C. Devecmon, delivered an address entitled "History of our State Constitutional Conventions, with special reference to the Elective Franchise and Representation in the Legislature."

The Committee on Laws recommended the following:

1. That a bill be presented to the next legislature of Maryland to regulate the introduction of medical expert testimony.
2. A new divorce law for Maryland along the same lines laid down by the Committee on Uniform State Laws of the American Bar Association. The final consideration of the law was postponed until the next session of the Association.

A resolution was adopted to the effect that it was the sense of the Association that a certificate of graduation from a high school, or satisfactory evidence of an education of equivalent character, should be required of all applicants for admission to the Bar of Maryland.

The Committee on the Torrens Land System recommended that the consideration of the adoption of the system be postponed until the Supreme Court of the United States has handed down its decision in the Zeiss case, wherein the court has been asked

to determine the constitutionality of the Torrens Land System as adopted in California. The recommendation was adopted.

The following papers were read: "Do the Incorporation Laws allow Sufficient Freedom to Commercial Enterprise," by Arthur W. Machen, Jr., of Maryland. "The Sherman Anti-Trust Act and Industrial Combinations," by Herbert Noble, Esq., of New York. "Covenants without the Sword," by Omer F. Hershey, Esq., of Maryland. This paper mainly considered the wisdom of establishing an International Court of Arbitration. "The Law and Procedure in Divorce," by Henry B. Brown, formerly Justice of the Supreme Court of the United States. This paper suggested changes in the procedure so that there would be uniformity in the law of the several states. "The Election of United States Senators," by Albert A. Doub, Esq., of Maryland. "The New Reading of Due Process of Law," by Chief Judge Simeon E. Baldwin, of Connecticut. "Some Late Workings of the Doctrine of Public Policy," by W. Irvine Cross, Esq., of Maryland. "Law in Books and Law in Action," by Roscoe Pound, Esq., of Chicago. "Some Duties of the Whole Profession," by Carroll T. Bond, Esq., of Maryland.

#### THE MICHIGAN STATE BAR ASSOCIATION.

The nineteenth annual meeting of this Association met on August 26, 1909, at Detroit. The meeting was held in conjunction with the thirty-second annual meeting of the American Bar Association. No stated program, containing a president's address or an annual address, was prepared; only routine matters received attention.

The Committee on Legislation and Law Reform reported the repeal of the old law pertaining to Chancery Appeals and the enactment of a new law covering that subject.

The Committee on the Christianity Memorial reported the raising of the sum of \$1100 to be used in procuring a marble bust of the late Justice Isaac P. Christianity, to be placed in the Capitol Library, at Lansing.



## MINNESOTA STATE BAR ASSOCIATION.

The ninth annual meeting of the Minnesota State Bar Association was held at the West Hotel, Minneapolis, July 14 and 15, 1909.

The annual address was delivered by Hon. Daniel Fish, his subject being "Legal Phases of the Lincoln and Douglas Debates."

Hon. Frank B. Kellogg, of St. Paul, delivered an address on "The Law's Delays"; and Hon. Charles A. Willard, United States District Judge, addressed the Association on "The Courts of Justice in the Philippines."

## MISSISSIPPI STATE BAR ASSOCIATION.

The fourth annual meeting of the Mississippi State Bar Association was held at West Point, Mississippi, on May 4, 5 and 6, 1909, the meeting being called to order by James S. Sexton, Esq., President, in the Masonic Hall.

The opening address was delivered by the President, who reviewed the most noteworthy changes in the statute law on points of general interest, made in the state and by Congress during the preceding year.

The annual address of the Association was delivered by Hon. E. T. Merrick, of New Orleans, on "Tendency of Modern Legislation in the South"; and Hon. G. J. Leftwich read a paper on "The Altruistic Quality of the Lawyer subjectively considered."

## MISSOURI BAR ASSOCIATION.

No report has been received.

## MONTANA BAR ASSOCIATION.

No report has been received.

## NEBRASKA STATE BAR ASSOCIATION.

No report has been received.

**BAR ASSOCIATION OF THE STATE OF NEW HAMPSHIRE.**

No report has been received.

**NEW JERSEY STATE BAR ASSOCIATION.**

The eleventh annual meeting was held at the Marlborough-Blenheim Hotel, Atlantic City, on June 11 and 12, 1909.

Hon. David J. Brewer, Associate Justice of the United States Supreme Court, delivered an address upon "The Mission of the United States of America in the Cause of Peace."

It was ordered that the Committee on Ethics make a report at the next annual meeting upon the advisability of adopting the Code of Professional Ethics as prepared by the American Bar Association.

The report of the special committee concerning the adoption of the Judicial Amendments to the Constitution was adopted, and the committee ordered to disseminate literature to the voters of the state explaining the proposed amendments.

**NEW MEXICO BAR ASSOCIATION.**

No report has been received.

**NEW YORK STATE BAR ASSOCIATION.**

The thirty-second annual meeting was held in the City of Buffalo, January 28 and 29, 1909, in the aldermanic chamber of the city and county hall.

Francis Lynde Stetson, the President of the Association, delivered an address on "The Lawyer's Livelihood."

The annual address was delivered before the Association, at the Twentieth Century Club, by Hon. John C. Spooner, of New York, on "The Power of Congress Under the Commerce Clause Over State Corporations Engaged in Interstate or Foreign Commerce." Following the address of Senator Spooner, a reception was given in honor of the Association and its guests at the Buffalo Club.

The Code of Professional Ethics adopted by the American Bar Association was adopted by this Association with some slight

amendments. The code was printed in pamphlet form by the Association and widely distributed throughout the state.

The Committee of Fifteen, of which Judge Denis O'Brien was Chairman, reported to the Association that the work of the Board of Statutory Consolidation, created by chapter 664 of the laws of New York of 1904, had been completed. The creation of this board was achieved almost wholly through years of effort on the part of the New York State Bar Association, and the "Consolidated Laws" passed by the legislature of 1909, form a notable contribution to the work that is being accomplished by Bar associations throughout the country. The board consisted of Hon. Adolph J. Rodenbeck, of Rochester, Chairman, and John G. Milburn and William B. Hornblower, of New York, and Adelbert Moot, of Buffalo. Frederick E. Wadhams, the Treasurer of the American Bar Association, was the Secretary of the board. In the four years of its work, the board incorporated into sixty-one chapters, called "Consolidated Laws," the substance of every living general statute enacted by the legislature of the State of New York since its first session in 1778, down to and including the legislation of 1908. All of these chapters were passed by the legislature of 1909, and all have become laws except those relating to railroads and public service commissions, the chapters containing these two laws having failed to receive executive approval.

The committee presented a resolution that the thanks and gratitude of the Association and of the Bar of the state are due to the members of the board for the faithful and competent manner in which they have discharged the duty imposed on them by the legislature. The report and resolution were adopted.

An important feature of the meeting was the amendment of the constitution of the Association creating a committee on the selection of candidates for judicial office, to consist of three members from each of the nine judicial districts of the state, whose duty it shall be, as far as possible, to prevent the nomination, election and appointment of unfit or incompetent persons to judicial office in the state, whether on the state or federal bench.

The subject of the recommendation of the American Bar Association as to judicial procedure, which had been referred to the committee on Judicial Administration and Remedial Procedure of the American Bar Association, and which was discussed at the meetings of the American Bar Association in 1907 and 1908, was presented in a paper by Mr. Everett P. Wheeler, and referred to the Committee on Law Reform.

The recommendations of the American Bar Association concerning legal education which were adopted at its meeting in Seattle, were presented to the Association with a recommendation from the board of law examiners of the State of New York, and a special committee of three was appointed to consider the subject and report at the next meeting of the Association.

The report of the Committee on Law Reform congratulated the members of the Association and the Bar upon the completion of the work of statutory consolidation, and called attention to the fact that the conclusion of this work emphasized the necessity for early action by way of a revision of the Code of Civil Procedure. The committee also reported that it had considered the subject matter of the paper read before the Association by Ambassador Bryce, on the Methods and Conditions of Legislation, and more particularly whether or not some practicable improvements of methods cannot be established in this state for the more careful and thorough preparation and scrutiny of proposed legislation. The committee made the following recommendations:

"1. That notice of all special, local and private bills should be given by advertisement or otherwise to interested parties or committees, before introduction, or at least before consideration by the legislature either in committee or otherwise.

"2. That thereafter such bills should be considered by committees akin to those of the British Parliament, as nearly as may be, whose action thereon should be of a quasi-judicial character.

"3. That public opinion should be educated here, as in Great Britain, so that the same principles of ethics shall prevail in such legislation as now exists in our judicial affairs, whereby all arguments to the committees must be submitted at public hearings, and all attempts at personal persuasion and log-rolling be frowned upon as an act of gross impropriety.

"4. The establishment of a permanent position, to be known as the legislative counsel, with large and comprehensive powers in the formulation, criticism and review of all bills, either pending or prospective.

"5. The designation by this Association of some suitable person as an examiner of legislation, whose duties and prerogatives shall be of the character and scope hereinbefore outlined."

The committee further recommended the passage of the following:

"*Resolved*, That this Association recommends to the legislature that provisions be made for a consolidation of the special statutes of the state to be carried out upon substantially the same lines as those adopted with reference to the general laws.

"*Resolved*, That the legislature be requested to provide for an early, careful and thorough investigation of our present Code of Civil Procedure, with a view to simplifying, so far as possible, existing methods of practice, and collating statutory provisions relating to the Law of Evidence.

"*Further*, That the Committee on Law Reform is authorized to take action to accomplish the purpose of the foregoing recommendations and resolutions."

The report of the committee and its recommendations were adopted.

A resolution was adopted which provided for the appointment of a special committee to examine the subject of the appointment of receivers in bankruptcy proceedings.

The report of the Committee on the Regulation of the Introduction of Medical Expert Testimony embodied the fruits of a year's devoted and earnest work on the part of this committee, and presented an exhaustive study of the subject. It recommended for passage an act which provided as follows:

#### AN ACT

#### TO REGULATE THE INTRODUCTION OF MEDICAL EXPERT TESTIMONY.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Within ninety days after this act shall take effect the Justices of the Supreme Court assigned to the Appellate

Divisions thereof in the several Departments, shall designate at least ten and not more than sixty physicians in each Judicial District who may be called as Medical Expert Witnesses by the Trial Court or by any party to a civil or criminal action in any of the courts of this state, and who when so called shall testify and be subject to full examination and cross-examination as other witnesses are. Any designation may at any time be revoked without notice or cause shown, and any vacancy may at any time be filled by the justices sitting in the Appellate Divisions.

SEC. 2. When so directed by the Trial Court witnesses so called shall receive for their services and attendance such sums as the Presiding Judge may allow, to be at once paid by the Treasurer or other fiscal officer of the county in which the trial is had.

SEC. 3. This act shall not be construed as limiting the right of parties to call other expert witnesses as heretofore.

SEC. 4. This act shall take effect September first, nineteen hundred nine.

The report was adopted after an unusually interesting and spirited debate.

The following papers were read: "The American Bar Association's Recommendations as to Judicial Procedure," by Everett P. Wheeler; "The Commitment and Discharge of the Insane Criminal," by Robert B. Lamb; "From the Revised Statutes of 1829 to the Proposed Consolidated Laws of 1909," by Charles A. Collins; "The Judicial Committee of the Privy Council," by Wallace Nesbitt, K. C.

The annual dinner of the Association was held on the evening of January 29, at the Ellicott Club.

On Saturday the members of the Association visited Niagara Falls as the guests of the Erie County Bar Association and the Lawyers Club of Buffalo.

The next meeting will be held in Rochester.

#### NORTH CAROLINA BAR ASSOCIATION.

No report has been received.

## THE BAR ASSOCIATION OF NORTH DAKOTA.

The tenth annual meeting of the Bar Association of North Dakota was held on August 12 and 13, 1909, at Minot, North Dakota.

The President's address was delivered by Hon. F. H. Register, and the matters referred to therein dealt almost wholly with laws enacted by the recent session of the North Dakota legislature.

The annual address was delivered by Hon. William T. Hughes, of Chicago, upon "The Immutable Principles of Jurisprudence."

All the committees of the Association reported, but those most prominent were the reports of the Committees on "Jurisprudence and Law Reform" and "Legal Education and Admission to the Bar."

The most important debate was that over the recommendation of the executive committee that a special meeting of the Association be called for the first Thursday in March, 1910, for the purpose of making such endorsements of candidates for Justices of the Supreme Court as the Association may deem proper. This was done in conformity with the spirit of the so-called non-partisan judiciary resolution adopted in 1906, at Grand Forks, the spirit of which is to divorce the judiciary from politics. The resolution referred to is as follows:

*"Resolved, That it is the sense of the Bar Association of the State of North Dakota that this Association owes to the public the duty of using all its power and influence to place and keep upon the Supreme Bench of this state, capable, experienced and upright lawyers, without regard to party affiliation."*

The recommendation of the committee for the calling of a special meeting was lost by a close vote.

Owing to the fact that the next session of the legislature does not convene until 1911, it was decided best to postpone the decision as to any proposed legislation until the next annual meeting of this Association.

A very interesting address was delivered to the Association by James E. Boyle, Ph. D., of the University of North Dakota, on "Taxation."

The next meeting of the Association will be held on September 1 and 2, 1910, at Bismarck, North Dakota.

## OHIO STATE BAR ASSOCIATION.

The thirtieth annual meeting of the Ohio State Bar Association was held at Put-in-Bay, July 6, 7 and 8, 1909.

The President's address was delivered by Hon. A. D. Follett, of Marietta, upon "A Progressive Judiciary."

Hon. Samuel Walker McCall, of Winchester, Mass., was to have delivered the annual address, but the Tariff Conference Commission called him to Washington, thus preventing him from reaching the convention.

Hon. Walter George Smith, of Philadelphia, who has been connected with the Conference of Commissioners on Uniform State Laws, delivered an address on "Uniform Marriage and Divorce Laws," which was listened to with great attention by the lawyers of Ohio, as Mr. Smith's work on this Conference for many years has made him an authority on the subject.

Hon. James R. Garfield, of Cleveland, delivered an address on "Employers' Liability and Compensation Laws," and a committee was appointed to further the adoption of the matter set forth, which commission consists of Hon. James R. Garfield, Chairman, Judge George E. Martin, of Lancaster, and John Marshall Smedes, Esq., of Cincinnati.

Hon. U. G. Denman, Attorney-General of Ohio, delivered an address on "Our Present Problem in Taxation."

Hon. Thomas Beer, of Bucyrus, addressed the Association on "Coke Literature."

The Association unanimously adopted the Canons of Professional Ethics which had been adopted by the American Bar Association in 1908, and passed a resolution bringing this matter to the attention of the Supreme Judges of Ohio, the State Examining Committee and the various law schools of the state. This resolution recommends that each applicant read the Canons and pass an examination on the same in his admission to the Bar. The Secretary of the American Bar Association has sent the Secretary of the Ohio State Bar Association six thousand copies of the Canons, which will be placed in the hands of the lawyers of Ohio.



## OKLAHOMA STATE BAR ASSOCIATION.

No report has been received.

## THE PENNSYLVANIA BAR ASSOCIATION.

The fifteenth annual meeting of the Pennsylvania Bar Association was held at Bedford Springs, Pennsylvania, June 29 and 30, and July 1, 1909.

Hon. M. Hampton Todd, Attorney-General, reviewed the legislation since the previous annual meeting. Hon. Amasa M. Eaton, of Providence, Rhode Island, addressed the Association, his subject being "Thomas W. Dorr and the Dorr War in Rhode Island." The Committee on Law Reform reported "An act to authorize the Supreme Court from time to time to adopt and promulgate general rules of practice for all the courts of record of one sort in this Commonwealth." Also, "An act relating to elections to take under or against the wills of decedents, to the recording thereof and of final decrees where parties have failed or refused to elect when required to do so, and forbidding the distribution to such parties until they have made and filed their election." The Association did not take final action on either of these reports.

An interesting discussion took place upon the report of the Committee on Legal Ethics, those members of the Association opposing the report advocating the adoption of the Canons of the American Bar Association, with the view of securing uniformity. The report was referred back to the committee without any final action being taken by the Association. A report from the Special Committee on Comparative Jurisprudence referred to its supervision over the preparation for the press of the translation of the Imperial Civil Code of Germany, the *Bürgerliches-Gesetzbuch*, which publication is being financed by the Law Department of the University of Pennsylvania and the Pennsylvania Bar Association.

Attention was also called to an English Act of Parliament, passed December 21, 1908, "for further promoting the revision of the statute law by repealing enactments which have ceased to be enforced or have become unnecessary." The schedule referred

to in this act mentioned five or six hundred acts or parts of acts which are thereby repealed, and it had evidently been very carefully prepared under the supervision of the government. A report was also received from a "Special Committee on the Constituting of Courts in Pennsylvania," on which final action was postponed; and from a "Special Committee on Contingent Fees," which was instructed "to report at the next annual meeting such bills as it may deem wise for the Association to recommend to the legislature for enactment."

Papers were read as follows: "Gibson and a Progressive Jurisprudence," by John W. Apple, Esq.; "A Judicial Solecism," by A. J. W. Hutton, Esq.; "Full-Paid and Non-Assessable," by Owen J. Roberts; "Comparative Law as a Practical Science," by William W. Smithers, Esq.

#### RHODE ISLAND BAR ASSOCIATION.

No report has been received.

#### SOUTH CAROLINA BAR ASSOCIATION.

No report has been received.

#### SOUTH DAKOTA BAR ASSOCIATION.

The ninth annual meeting of the South Dakota Bar Association was held at Pierre, on January 20 and 21, 1909, and was called to order by the President, C. S. Whiting, of De Smet. Mr. Whiting delivered the President's address, his subject being "The Code of Ethics." W. L. McLaughlin, Esq., of Deadwood, read a paper on "The Justice and Value of the Inheritance Tax." M. S. Liebenstein, Esq., of Estelline, read a paper by Hon. George H. Marquis, of Clear Lake, Circuit Judge of the Third Judicial Circuit, upon "Several Questions of Practice in the Circuit Courts of South Dakota," Judge Marquis being unable to be present. Doane Robinson, Esq., of Pierre, read a paper on "Sioux Indian Courts."

The annual address was delivered by Hon. W. S. Pattee, of Minneapolis, Minnesota, Dean of the Law School of the University of Minnesota, upon "The Ethical Basis of Jurisprudence."

The Association adopted the Code of Professional Ethics of the American Bar Association, endorsed a bill providing for a state parole officer, and recommended a change in the law with regard to peremptory challenges, so that the state would have three and the defendant four. Subsequently the legislature passed an act giving the state and the defendant an equal number of such challenges.

The tenth annual meeting of this Association was held at Deadwood, on August 12, 13 and 14, 1909.

The President's address was delivered by W. L. McLaughlin, of Deadwood, on "The Strife for Justice." The address was largely historical and philosophical in character.

The annual address was delivered by Eben W. Martin, of Deadwood, on "Federal Control of Corporations."

The following papers were read: "Irrigation in the West," by Wesley A. Stuart, of Sturgis; "The Federal Income Tax," by Edward E. Wagner, of Alexandria, and "The Flux of Laws," by Norman T. Mason, of Deadwood.

#### THE BAR ASSOCIATION OF TENNESSEE.

The twenty-eighth annual meeting of the Bar Association of Tennessee was held June 23, 24 and 25, 1909, in Hotel Patten, at Chattanooga, Tennessee.

The President's address was delivered by Hon. Foster V. Brown, who incorporated therein the most noteworthy changes in the statute law, on points of general interest, made in the state and by the Congress during the preceding year.

The annual address was delivered by Judge E. C. O'Rear, Chief Justice of the Court of Appeals of Kentucky, upon "Trial by Jury."

Upon the report and recommendation of a committee appointed to consider the Canons of Professional Ethics, as amended and adopted by the American Bar Association in 1908, the Bar Association of Tennessee unanimously approved and adopted said Canons as the Tennessee Code of Legal Ethics. The Association also appointed a committee of five to draft an oath to be administered to those admitted to practise law in the State of

Tennessee, and to report said drafted oath to the next meeting of the Association, with a view to urging the legislature to enact the same into statute law.

One of the most important steps taken by the Association this year was the adoption of a resolution requesting the Supreme Court of Tennessee to so amend the rules for examination for law license and admission to the Bar, as to require, as a condition precedent to examination, that every applicant shall have an education equal to that given in a standard high school of the state, and shall have studied law at least two years either in a law school or in a reputable law office. A committee was appointed to memorialize the Supreme Court for the adoption and promulgation of this rule.

The following addresses were delivered: "The High Art of Cross-Examination," by Col. W. A. Henderson, of Knoxville; "The Organization of the Federal Courts, Historically Considered," by Judge Edward T. Sanford, of Knoxville; "Bankruptcy Law—Its History and Purpose," by H. H. Shelton, of Bristol; "Judge John Baxter and Judge D. M. Key," by Judge Lewis Shephard, of Chattanooga; "Random Observations on the Police Power," by Judge D. L. Lansden, of Cookeville; "Recent Primary Election Law," by John A. Pitts, of Nashville; "The Life, Character and Public Service of Col. A. S. Colyar," by Judge Floyd Estill, of Winchester; "The Life and Character of Judge William F. Cooper," by John Bell Keeble, of Nashville.

#### TEXAS BAR ASSOCIATION.

No report has been received.

#### STATE BAR ASSOCIATION OF UTAH.

The eleventh annual meeting of the State Bar Association of Utah was held at Salt Lake City, on January 11, 1909. The President's address was delivered by Wilson I. Snyder, of Salt Lake City, his address dealing almost entirely with local matters of interest. Mr. Snyder called attention to the members of the Association who had died within the preceding year, giving brief biographical sketches of their lives. He dwelt upon certain mat-

ters which had transpired within the state during the year, and recommended certain changes in the constitution of the Association, with a view of increasing its efficiency and of exercising a more potent influence in the affairs of the state.

The annual address was delivered by Bismarck Snyder, Esq., the title of his address being "Comments on Some Recent Decisions." The decisions referred to were handed down by the Supreme Court of the State of Utah, during the preceding year.

#### VERMONT BAR ASSOCIATION.

No report has been received.

#### VIRGINIA STATE BAR ASSOCIATION.

The twenty-first annual meeting of the Virginia State Bar Association was held at the Homestead Hotel, Hot Springs, Virginia, on August 10, 11 and 12, 1909.

Hon. Micajah Woods, of Charlottesville, Virginia, the President of the Association, delivered an address entitled "The Necessity for General Culture in the Training of the Lawyer." Mr. Woods dwelt upon the influence which the lawyer has always exerted in his community, state and nation, and showed that his sphere of usefulness to his fellowmen was greatly enhanced by the possession of general culture. He then went on to give many illustrations of distinguished lawyers who were noted no less for their literary attainments than for their knowledge of law and power as advocates.

The annual address was to have been delivered by Hon. James M. Beck, of New York, but he was suddenly called to Europe, and was unable to be present. In place of the annual address, an address was delivered by Prof. William M. Thornton, Dean of the Engineering Department of the University of Virginia, entitled, "Who was Thomas Jefferson?" This address was masterly in its form and substance, and will prove one of the most valuable contributions to the history of the period and the man. It treated Mr. Jefferson entirely from a personal standpoint.

Papers were read as follows: Hon. Robert R. Prentis, Chairman of the State Corporation Commission, "Some Observations

about Governmental Regulation of Railways, and the Virginia Case;" Hon. George E. Caskie, of Lynchburg, Virginia, "Trial of John Brown;" and Mr. W. W. Old, of Norfolk, Virginia, "Taxation in Virginia and our Relation to the Subject."

During the meeting, the Association adopted a resolution calling upon the state legislature for a general revision of the code and statute law of the state, and appointed a special committee to draft a bill to carry the same into effect. A resolution was also adopted urging the passage by Congress of a bill to add an additional circuit judge for the Fourth Judicial Circuit; and two special committees were appointed to report, at the next adjourned meeting, upon the adoption by the Virginia State Bar Association of the Code of Professional Ethics of the American Bar Association, with or without amendment, and also upon the advisability of securing special legislation on the subject of medical expert testimony. A resolution was also adopted requesting all of the law schools in the state to incorporate the study of Legal Ethics in their respective courses, and requesting the Supreme Court of Appeals to include this subject among the subjects of examination for admission to the Bar.

#### WASHINGTON STATE BAR ASSOCIATION.

The twenty-first annual meeting of the Washington State Bar Association was held in the City of Aberdeen, July 29, 30 and 31, 1909. The President, Hon. J. B. Bridges, of Aberdeen, devoted his annual address to advocating a higher standard for the admission and qualifications of attorneys. An address was delivered by Hon. James E. Babb, of Lewiston, Idaho, on "Effect of Overruling Opinion of Court of Last Resort on Rights Already Acquired on Opinion Overruled." He showed that rights so acquired had the same constitutional guarantee as those acquired under a statute which was later repealed. Hon. W. W. Cotton, of Portland, Ore., spoke on "Due Process of Law in Connection with Railroad Rate Legislation." He advocated a special court for the review of railway commission findings, and claimed it was incompatible with American institutions to lodge in one body, like a railway commission, legislative, executive and judicial powers. Hon. Robert Cassidy, K. C., of Vancouver, B. C., spoke

on "Courts of Canada," giving a comparison between the judicial institutions of Canada and Great Britain and this country.

One of the principal items of interest, was the report of the grievance committee which had investigated attacks made on the integrity of the State Supreme Court. The report exonerated the court and recommended the disbarment of certain attorneys responsible for the slanders.

The Committee on Legal Education and Admission to the Bar reported that it had secured the passage of a law raising the standard for admission, requiring all applicants to have at least a college entrance education, and admitting outside attorneys only on probation until their former professional standing could be investigated; that the oath recommended by the American Bar Association, in its Code of Professional Ethics, with a slight change caused by a mistake in engrossing, had been adopted, as well as other provisions relative to the disbarment of attorneys for unprofessional conduct. The Code of Professional Ethics was also adopted.

A special committee was authorized to consult with the Supreme Court relative to rules of appellate procedure.

#### WEST VIRGINIA BAR ASSOCIATION.

The twenty-fifth annual meeting of the West Virginia Bar Association was held at Webster Springs, July 7 and 8, 1909, in the Auditorium of the new Webster Springs Hotel, the meeting being called to order by the retiring President, C. W. Campbell, Esq. President Campbell delivered an address on "Legislation As It Now Exists, and As It Should Be, Touching Certificates of Acknowledgment and of Recordation of Deeds for Land." Professor Patterson, a member of the faculty of the University of West Virginia, gave a rendition of Shakespeare's Merchant of Venice before the Association. Hon. Henry Brannon, of the Supreme Court of the state, delivered an address on "The Supreme Court of Appeals of West Virginia;" and Harvey W. Harmer, of Clarksburg, read a paper on "Primary Election Laws."

#### STATE BAR ASSOCIATION OF WISCONSIN.

No report has been received.

## LIST OF BAR ASSOCIATIONS IN THE UNITED STATES

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**NOTE.**—This list has been compiled by the Secretary of the American Bar Association from replies to circulars sent out. While pains have been taken to make it as complete as possible, it is probable that some Associations have been omitted. All Associations which are purely Library Associations are intended to be omitted. Where replies to the circulars have not been received, and the officers for 1909 are not known, the officers for former years are given.

The Secretary acknowledges the courtesy of the Secretaries of various State Bar Associations in supplying the information as to local associations in their respective states.

The Secretary will be much indebted for information of any omissions and for corrections of the names of officers.

### ALABAMA.

NAME.	PRESIDENT.	SECRETARY.
Alabama State Bar Association.	Emmet O'Neal, Florence.	Alexander Troy, Montgomery.
CALHOUN COUNTY BAR ASSOCIATION.	D. C. Blackwell, Anniston.	Charles D. Kline, Anniston.
BIRMINGHAM BAR ASSOCIATION. (Jefferson County.)	A. C. Howze, Birmingham.	F. I. Monks, Birmingham.
MOBILE BAR ASSOCIATION. (Mobile County.)	(Vacant.)	Robert F. Gordon, Mobile.

### ARIZONA TERRITORY.

Arizona Bar Association.	George J. Stoneman, Globe.	Paul Renau Ingles, Phoenix.
NORTHERN ARIZONA BAR ASSOCIATION (1907).	John M. Ross, Prescott.	E. M. Sanford, Prescott.



ARKANSAS.

NAME.	PRESIDENT.	SECRETARY.
Bar Association of Arkansas.	N. W. Norton, Forrest City.	Roscoe R. Lynn, Little Rock.
LEE COUNTY BAR ASSOCIATION (1908).	P. D. McCulloch, Marianna.	C. E. Daggett, Marianna.
FORT SMITH BAR ASSOCIATION (1908). (Sebastian County.)	James F. Read, Fort Smith.	Lovick P. Miles, Fort Smith.

CALIFORNIA.

(NOTE.—Officers are for 1908.)

California State Bar Association.	Lloyd C. Comegys, San Francisco.	Walter S. Brann, San Francisco.
OAKLAND BAR ASSOCIATION. (Alameda County.)	George W. Reed, Oakland.	George E. DeGolia, Oakland.
AMADOR COUNTY BAR ASSOCIATION.	D. R. Spagnoli, Jackson.	J. W. Caldwell, Jackson.
COLUSA COUNTY BAR ASSOCIATION.	H. M. Albery, Colusa.	Thomas Rutledge, Colusa.
CONTRA COSTA COUNTY BAR ASSOCIATION.	R. H. Latimer, Martinez.	J. E. Rodgers, Martinez.
HUMBOLDT COUNTY BAR ASSOCIATION.	J. H. G. Werner, Eureka.	Otto C. Greger, Eureka.
LAKE COUNTY BAR ASSOCIATION.	M. S. Sayre, Lakeport.	H. V. Keeling, Lakeport.
LOS ANGELES COUNTY BAR ASSOCIATION.	H. M. Barstow, Los Angeles.	E. T. Barber, Los Angeles.
LOS ANGELES BAR ASSOCIATION. (Los Angeles County.)	J. A. Anderson, Los Angeles.	T. W. Robinson, Los Angeles.
MARIPOSA COUNTY BAR ASSOCIATION.	J. J. Trabucco, Mariposa.	John A. Wall, Mariposa.
MENDOCINO COUNTY BAR ASSOCIATION.	J. Q. White, Ukiah.	A. J. Thatcher, Ukiah.

## CALIFORNIA—Continued.

NAME.	PRESIDENT.	SECRETARY.
NAPA COUNTY BAR ASSOCIATION.	H. L. Johnston, Napa.	W. Rutherford, Napa.
ORANGE COUNTY BAR ASSOCIATION.	Victor Montgomery, Santa Ana.	Horatio J. Forgy, Santa Ana.
SACRAMENTO BAR ASSOCIATION. (Sacramento County.)	Grove L. Johnson, Sacramento.	S. Luke Howe, Sacramento.
SAN DIEGO COUNTY BAR ASSOCIATION.	John B. Mannix, San Diego.	Charles C. Haines, San Diego.
BAR ASSOCIATION OF SAN FRANCISCO. (San Francisco Co.)	Curtis H. Lindley, San Francisco.	George J. Martin, San Francisco.
SISKIYOU COUNTY BAR ASSOCIATION.	L. F. Coburn, Yreka.	Jas. D. Fairchild, Yreka.
SONOMA COUNTY BAR ASSOCIATION.	Albert G. Burnett, Santa Rosa.	R. L. Thompson, Santa Rosa.
SUTTER COUNTY BAR ASSOCIATION.	K. S. Mahon, Yuba City.	(Vacant.)
YUBA COUNTY BAR ASSOCIATION.	E. P. McDaniel, Marysville.	E. B. Stanwood, Marysville.

## COLORADO.

(NOTE.—Officers are for 1908, unless otherwise noted.)

Colorado Bar Association.	Wilbur F. Stone, Denver.	William H. Wadley, Denver.
DENVER BAR ASSOCIATION. (Arapahoe County.)	Halsted L. Ritter, Denver.	James M. Lomery, Denver.
EL PASO COUNTY BAR ASSOCIATION.	William O'Brien, Colorado Springs.	George M. Irwin, Colorado Springs.
LARIMER COUNTY BAR ASSOCIATION.	Frank J. Annis, Ft. Collins.	Paul W. Lee, Ft. Collins.
MESA COUNTY BAR ASSOCIATION.	James W. Bucklin, Grand Junction.	F. Barnard Welsh, Grand Junction.

## COLORADO—Continued.

NAME.	PRESIDENT.	SECRETARY.
PROWERS COUNTY BAR ASSOCIATION (1907).	C. C. Goodale, Lamar.	W. A. Merrill, Lamar.
PUEBLO BAR ASSOCIATION. (Pueblo County.)	Miles G. Saunders, Pueblo.	Luzerne A. Rickey, Pueblo.
SAN LUIS VALLEY BAR ASSOCIATION.	Ira J. Bloomfield, Monte Vista.	Ezra T. Elliott, Del Norte.
TELLER COUNTY BAR ASSOCIATION.	Danl. A. Ferguson, Victor.	V. H. Miller, Cripple Creek.
WESTERN SLOPE BAR ASSOCIATION.	John H. Fry, Grand Junction.	William Weiser, Grand Junction.

## CONNECTICUT.

State Bar Association of Connecticut.	George D. Watrous, New Haven.	James E. Wheeler, New Haven.
BRIDGEPORT BAR ASSOCIATION (1908). (Fairfield County.)	Jacob B. Klein, Bridgeport.	Wm. H. Kelsey, Bridgeport.
HARTFORD COUNTY BAR ASSOCIATION (1908).	Charles E. Perkins, Hartford.	William F. Henney, Hartford.
LITCHFIELD COUNTY BAR ASSOCIATION (1908).	Donald T. Warner, Salisbury.	Dwight C. Kilbourn, Litchfield.
NEW HAVEN COUNTY BAR ASSOCIATION.	George D. Watrous, New Haven.	John S. Fowler, New Haven.

## DELAWARE.

Delaware State Bar Association.	Benjamin Nields, Wilmington.	T. Bayard Helsel, Wilmington.
KENT COUNTY BAR ASSOCIATION.	Henry R. Johnson, Dover.	A. M. Daly, Dover.
BAR ASSOCIATION OF NEW CASTLE COUNTY.	Charles B. Evans, Wilmington.	David J. Reinhardt, Wilmington.
BAR ASSOCIATION OF SUSSEX COUNTY.	Edwin R. Paynter, Georgetown.	Albert F. Polk, Georgetown.

## DISTRICT OF COLUMBIA.

NAME.	PRESIDENT.	SECRETARY.
Bar Association of the District of Columbia.	Nathaniel Wilson, Washington.	H. Prescott Gatley, Washington.
PATENT LAW ASSOCIATION OF WASHINGTON.	Arthur P. Greeley, Washington.	E. G. Mason, Washington.

## FLORIDA.

Florida State Bar Association.	Edward R. Gunby, Tampa.	George C. Gibbs, Jacksonville.
JACKSONVILLE BAR ASSOCIATION (1908). (Duval County.)	W. H. Baker, Jacksonville.	Eugene Hale, Jacksonville.
HILLSBOROUGH COUNTY BAR ASSOCIATION (1908).	Frank M. Simonton, Tampa.	E. V. Whitaker, Tampa.
MARIANNA BAR ASSOCIATION (1908). (Jackson County.)	B. S. Liddon, Marianna.	Edwin R. Blow, Marianna.
KEY WEST BAR ASSOCIATION (1908). (Monroe County.)	J. S. H. Phipps, Key West.	Julius Otto, Key West.
THIRD CIRCUIT BAR ASSOCIATION (1908).	Charles E. Davis, Madison.	A. B. Small, Lake City.
MANATEE COUNTY BAR ASSOCIATION.	J. Hamilton Gillespie, Sarasota.	O. K. Reaves, Bradentown.

## GEORGIA.

Georgia Bar Association.	J. M. Cunningham, Jr., Savannah.	Orville A. Park, Macon.
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(NOTE.—Local officers are for 1908, unless otherwise noted.)

BAR ASSOCIATION OF THE CITY OF MACON. (Bibb County.)	John P. Ross, Macon.	M. P. Callaway, Macon.
BAR ASSOCIATION OF BULLOCH COUNTY.	G. S. Johnston, Statesboro.	Howell Cone, Statesboro.

## GEORGIA—Continued.

NAME.	PRESIDENT.	SECRETARY.
CALHOUN COUNTY BAR ASSOCIATION.	J. J. Beck, Morgan.	J. L. Boynton, Dickie.
SAVANNAH BAR ASSOCIATION. (Chatham County.)	H. C. Cunningham, Savannah.	T. G. Bassinger, Savannah.
MOULTRIE BAR ASSOCIATION. (Colquitt County.)	Robt. L. Shipp, Moultrie.	Edward L. Bryan, Moultrie.
CRISP COUNTY BAR ASSOCIATION.	E. F. Strozier, Cordele.	Walter F. Hall, Cordele.
BAINBRIDGE BAR ASSOCIATION. (Decatur County.)	Jno. E. Donaldson, Bainbridge.	R. G. Hartsfield, Bainbridge.
ALBANY CIRCUIT BAR ASSOCIATION. (Dougherty County.)	J. W. Walters, Albany.	R. G. Hartsfield, Bainbridge.
EARLY COUNTY BAR ASSOCIATION.	W. A. Jordan, Blakely.	J. R. Pottle, Blakely.
ATLANTA BAR ASSOCIATION. (Fulton County.)	B. F. Abbott, Atlanta.	Walter T. Colquitt, Atlanta.
BRUNSWICK BAR ASSOCIATION. (Glynn County.)	C. P. Goodyear, Brunswick.	D. W. Krauss, Brunswick.
GREEN COUNTY BAR ASSOCIATION.	Jas. B. Park, Greensboro.	F. B. Shipp, Greensboro.
DUBLIN BAR ASSOCIATION. (Laurens County.)	Peyton L. Wade, Dublin.	M. H. Blackshear, Dublin.
MT. VERNON BAR ASSOCIATION (1907). (Montgomery County.)	Wm. B. Kent, Mt. Vernon.	(Vacant.)

## GEORGIA—Continued.

NAME.	PRESIDENT.	SECRETARY.
COLUMBUS BAR ASSOCIATION. (Muskogee County.)	H. R. Goetchius, Columbus.	H. C. McCutchen, Columbus.
PULASKI COUNTY BAR ASSOCIATION.	Warren Grice, Hawkinsville.	H. F. Lawson, Hawkinsville.
AUGUSTA BAR ASSOCIATION. (Richmond County.)	J. C. C. Black, Augusta.	Geo. T. Jackson, Augusta.
SPALDING COUNTY BAR ASSOCIATION.	L. Cleveland, Griffin.	Wm. H. Beck, Griffin.
AMERICUS BAR ASSOCIATION. (Sumter County.)	G. R. Ellis, Americus.	Hollis Fort, Americus.
TATTNALL COUNTY BAR ASSOCIATION.	Isaiah Beasley, Reidsville.	H. C. Beasley, Reidsville.
TERRELL COUNTY BAR ASSOCIATION.	J. G. Parks, Dawson.	W. H. Gurr, Dawson.
TROUP COUNTY BAR ASSOCIATION.	Frank Harwell, La Grange.	E. A. Jones, La Grange.
BAR ASSOCIATION OF ASHBURN. (Worth County.)	Jno. B. Hutcherson, Ashburn.	Edwin A. Rogers, Ashburn.

## HAWAII TERRITORY.

Bar Association of the Hawaiian Islands.	W. A. Kinney, Honolulu.	W. A. Greenwell, Honolulu.
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## IDAHO.

Idaho State Bar Association.	Frank T. Wyman, Boise.	Benjamin S. Crow, Boise.
ADA COUNTY BAR ASSOCIATION.	Jesse B. Hawley, Boise.	Charles M. Kahn, Boise.

## ILLINOIS.

NAME.	PRESIDENT.	SECRETARY.
Illinois State Bar Association.	Edgar A. Bancroft, Chicago.	John F. Voigt, Mattoon.

(NOTE.—Local officers are for 1908, unless otherwise noted.)

ILLINOIS ASSOCIATION OF COUNTY AND PROBATE JUDGES (1909).	John E. Hillskotter, Edwardsville.	L. O. Eagleton, Peoria.
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ILLINOIS ASSOCIATION OF STATE ATTORNEYS (1909).	Charles M. Hadley, Wheaton.	Oscar H. Wylie, Paxton.
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ADAMS COUNTY BAR ASSOCIATION.	Joseph N. Carter, Quincy.	Walter Bennett, Quincy.
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BOND COUNTY BAR ASSOCIATION.	William H. Dawdy, Greenville.	F. W. Fritz, Greenville.
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BOONE COUNTY BAR ASSOCIATION.	Robert W. Wright, Belvidere.	William R. Dodge, Belvidere.
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CHAMPAIGN COUNTY BAR ASSOCIATION.	F. M. Green, Urbana.	Joseph P. Gulick, Champaign.
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CHICAGO BAR ASSOCIATION. (Cook County.)	Thomas M. Hoyne, Chicago.	Farlin H. Ball, Chicago.
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CHICAGO LAW INSTITUTE.	Phillip Stein, Chicago.	Alfred E. Barr, Chicago.
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THE LAW CLUB OF CHICAGO.	Pliny B. Smith, Chicago.	Roswell B. Mason, Chicago.
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THE PATENT LAW ASSOCIATION OF CHICAGO.	Thomas F. Sheridan, Chicago.	William O. Belt, Chicago.
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CLINTON COUNTY BAR ASSOCIATION.	Darius Kingsbury, Carlyle.	H. V. Murray, Carlyle.
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DE KALB COUNTY BAR ASSOCIATION.	Harvey A. Jones, Sycamore.	George Brown, Sycamore.
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## ILLINOIS—Continued.

NAME.	PRESIDENT.	SECRETARY.
EDGAR COUNTY BAR ASSOCIATION.	Andrew J. Hunter, Paris.	Joseph E. Dyas, Paris.
BENTON BAR ASSOCIATION. (Franklin County.)	W. S. Cantrell, Benton.	G. A. Hickman, Benton.
FULTON COUNTY BAR ASSOCIATION.	O. J. Boyer, Canton.	Edward W. Keefer, Lewistown.
SHAWNEE BAR ASSOCIATION. (Gallatin County.)	Carl Roedel, Shawneetown.	M. E. Lambert, Shawneetown.
GRUNDY COUNTY BAR ASSOCIATION.	E. L. Clover, Morris.	Chas. G. Sasche, Morris.
MCLEANSBORO BAR ASSOCIATION. (Hamilton County.)	T. B. Stelle, McLeansboro.	J. H. Lane, McLeansboro.
HENDERSON COUNTY BAR ASSOCIATION.	Rufus F. Robinson, Oquawka.	E. L. Moffett, Oquawka.
KEWANEE BAR ASSOCIATION. (Henry County.)	C. C. Wilson, Kewanee.	F. J. Tilton, Kewanee.
JACKSON COUNTY BAR ASSOCIATION.	W. W. Barr, Carbondale.	Isaac Levy, Murphysboro.
JASPER COUNTY BAR ASSOCIATION.	James W. Gibson, Newton.	A. E. Isley, Newton.
JERSEY COUNTY BAR ASSOCIATION.	Oscar B. Hamilton, Jerseyville.	Charles S. White, Jerseyville.
JO DAVIESS COUNTY BAR ASSOCIATION.	David Sheean, Galena.	D. B. Blewett, Galena.
KANKAKEE COUNTY BAR ASSOCIATION.	B. L. Cooper, Kankakee.	J. H. Merrill, Kankakee.



## ILLINOIS—Continued.

NAME.	PRESIDENT.	SECRETARY.
KNOX COUNTY BAR ASSOCIATION.	John E. Maley, Galesburg.	Lyman P. Wilson, Galesburg.
LAKE COUNTY BAR ASSOCIATION.	D. L. Jones, Waukegan.	Charles E. Lauder, Waukegan.
LASALLE COUNTY BAR ASSOCIATION.	Henry Mayo, Ottawa.	I. I. Hanna, Ottawa.
LEE COUNTY BAR ASSOCIATION.	William Barge, Dixon.	C. B. Morrison, Dixon.
LOGAN COUNTY BAR ASSOCIATION.	Joseph Hodnett, Lincoln.	Harold Trapp, Lincoln.
MACON COUNTY BAR ASSOCIATION.	Andrew H. Mills, Decatur.	James S. Baldwin, Decatur.
MADISON COUNTY BAR ASSOCIATION.	C. W. Terry, Edwardsville.	D. H. Mudge, Edwardsville.
MCDONOUGH COUNTY BAR ASSOCIATION.	George D. Tunnickliff, Macomb.	J. Ross Mickey, Macomb.
MCLEAN COUNTY BAR ASSOCIATION.	Sain Welty, Bloomington.	Wm. Harvey Hart, Bloomington.
MERCER COUNTY BAR ASSOCIATION.	I. N. Bassett, Aledo.	Henry E. Burgess, Aledo.
MONTGOMERY COUNTY BAR ASSOCIATION.	Edward Lane, Hillsboro.	George P. O'Brien, Hillsboro.
MOULTRIE COUNTY BAR ASSOCIATION.	R. M. Peadro, Sullivan.	George Sentel, Sullivan.
PEORIA BAR ASSOCIATION. (Peoria County.)	John M. Niehaus, Peoria.	Hiram Todd, Peoria.
PERRY COUNTY BAR ASSOCIATION.	R. W. S. Wheatley, Pinckneyville.	I. R. Spillman, Pinckneyville.
PIKE COUNTY BAR ASSOCIATION.	(Vacant.)	Mark Bradburn, Pittsfield.

## ILLINOIS—Continued.

NAME.	PRESIDENT.	SECRETARY.
PCPE COUNTY BAR ASSO- CIATION.	Wm. H. Moore, Golconda.	Chas. Durfee, Golconda.
ROCK ISLAND COUNTY BAR ASSOCIATION.	C. J. Searle, Rock Island.	G. A. Shallburg, Moline.
EAST ST. LOUIS BAR ASSOCIATION. (St. Clair County.)	R. H. Flanigan, E. St. Louis.	Charles McCoy, E. St. Louis.
SANGAMON COUNTY BAR ASSOCIATION.	Alonzo Hoff, Springfield.	Sidney S. Breese, Springfield
STEPHENSON COUNTY BAR ASSOCIATION.	(Vacant.)	Charles H. Green, Freeport.
TAZEWELL COUNTY BAR ASSOCIATION.	J. O. Jones, Delavan.	M. A. Conaghan, Pekin.
VERMILION COUNTY BAR ASSOCIATION.	W. M. Acton, Danville.	C. G. Redden, Danville.
WARREN COUNTY BAR ASSOCIATION.	Almon Kidder, Monmouth.	C. M. Huey, Monmouth.
WASHINGTON COUNTY BAR ASSOCIATION.	P. E. Hosmer, Nashville.	James A. Watts, Nashville.
WAYNE COUNTY BAR AS- SOCIATION.	John R. Holt, Fairfield.	John Keen, Jr., Fairfield.
BAR ASSOCIATION OF WHITE COUNTY.	James C. Pearce, Carmi.	Richard Specknall, Carmi.
WHITESIDE COUNTY BAR ASSOCIATION.	William H. Allen, Erie.	John A. Ward, Sterling.
WILL COUNTY BAR ASSO- CIATION.	Benjamin Olm, Joliet.	J. H. Garsney, Joliet.
ROCKFORD BAR ASSOCIA- TION. (Winnebago County.)	Albert D. Early, Rockford.	W. C. Stevens, Rockford.

## INDIANA.

NAME.	PRESIDENT.	SECRETARY.
State Bar Association of Indiana.	John T. Dye, Indianapolis.	George H. Batchelor, Indianapolis.
ADAMS COUNTY BAR ASSOCIATION.	Daniel D. Heller, Decatur.	J. F. Fruchte, Decatur.
ALLEN COUNTY BAR ASSOCIATION.	James B. Harper, Fort Wayne.	Guy Colerick, Fort Wayne.
CLINTON COUNTY BAR ASSOCIATION.	Charles G. Guenther, Frankfort.	James T. Hockman, Frankfort.
DEARBORN COUNTY BAR ASSOCIATION.	Harry R. McMullen, Aurora.	Warren N. Hauck, Lawrenceburg.
ELKHART CITY BAR ASSOCIATION.	Perry L. Turner, Elkhart.	William B. Hile, Elkhart.
ELKHART COUNTY BAR ASSOCIATION.	Anthony Deahl, Goshen.	George W. Fleming, Elkhart.
GRANT COUNTY BAR ASSOCIATION.	J. F. Charles, Marion.	Harley F. Hardin, Marion.
HAMILTON COUNTY BAR ASSOCIATION.	Ira W. Christian, Noblesville.	Meade Vestal, Noblesville.
HOWARD COUNTY BAR ASSOCIATION.	William C. Purdum, Kokomo.	Chas. E. Greenwald, Kokomo.
HUNTINGTON COUNTY BAR ASSOCIATION.	Ulysses S. Lesh, Huntington.	C. K. Lucas, Huntington.
INDIANAPOLIS BAR ASSOCIATION.	Albert Baker, Indianapolis.	Jas. A. Collins, Indianapolis.
JAY COUNTY BAR ASSOCIATION.	John W. Headington, Portland.	Whitney E. Smith, Portland.
KNOX COUNTY BAR ASSOCIATION.	James M. House, Vincennes.	Duncan L. Beckes, Vincennes.
LAKE COUNTY BAR ASSOCIATION.	Armanis F. Knotts, Hammond.	John R. McIntosh, Whiting.

## INDIANA—Continued.

NAME.	PRESIDENT.	SECRETARY.
MADISON COUNTY BAR ASSOCIATION.	F. P. Foster, Anderson.	E. B. McMahan, Anderson.
MARTINSVILLE BAR ASSOCIATION.	James V. Mitchell, Martinsville.	Emmett F. Branch, Martinsville.
MUNCIE BAR ASSOCIATION.	Adolph C. Silverburg, Muncie.	Wm. T. Haymond, Muncie.
PUTNAM COUNTY BAR ASSOCIATION.	Tarvin C. Grooms, Greencastle.	Charles T. Peck, Greencastle.
RANDOLPH COUNTY LAW LIBRARY ASSOCIATION.	James S. Engle, Winchester.	Alonzo L. Bales, Winchester.
SHELBY COUNTY BAR ASSOCIATION.	H. S. Downey, Shelbyville.	U. E. Tyndall, Shelbyville.
STARKE COUNTY BAR ASSOCIATION.	Oscar B. Smith, Knox.	W. C. Pentecost, Knox.
ST. JOSEPH COUNTY BAR ASSOCIATION.	George Ford, South Bend.	J. Walter Osborn, South Bend.
SULLIVAN COUNTY BAR ASSOCIATION.	Allison G. McNabb, Sullivan.	Antoinette D. Leach, Sullivan.
THIRTY-FIFTH JUDICIAL CIRCUIT BAR ASSOCIATION.	James H. Rose, Auburn.	Glenn Van Auken, Pleasant Lake.
VERMILLION COUNTY BAR ASSOCIATION.	Martin G. Rhoades, Newport.	George D. Sunkel, Dana.
WABASH BAR ASSOCIATION.	Warren G. Sayre, Wabash.	Herman N. Hipkind, Wabash.

## IOWA.

Iowa State Bar Association.	Charles M. Harl, Council Bluffs.	Charles M. Dutcher, Iowa City.
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(NOTE.—Local officers are for 1908, unless otherwise noted.)

ADAMS COUNTY BAR ASSOCIATION.	Frank M. Davis, Corning.	A. Ray Maxwell, Corning.
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## IOWA—Continued.

NAME.	PRESIDENT.	SECRETARY.
BLACKHAWK COUNTY BAR ASSOCIATION (1907).	O. B. Courtright, Waterloo.	J. S. Tuthill, Waterloo.
BOONE COUNTY BAR ASSOCIATION.	S. R. Dyer, Boone.	W. W. Goodykoontz, Boone.
BUCHANAN COUNTY BAR ASSOCIATION.	M. W. Harmon, Independence.	H. C. Chappell, Independence.
CASS COUNTY BAR ASSOCIATION.	John W. Scott, Atlantic.	W. A. Follett, Atlantic.
CLAYTON COUNTY BAR ASSOCIATION.	James O. Crosby, Garnavillo.	B. W. Newberry, Strawberry Point.
DUBUQUE BAR ASSOCIATION. (Dubuque County.)	P. J. Nelson, Dubuque.	D. E. McGuire, Dubuque.
HAMILTON COUNTY BAR ASSOCIATION (1907).	Wesley Martin, Webster City.	John Porter, Webster City.
JASPER COUNTY BAR ASSOCIATION (1907).	O. C. Meredith, Newton.	J. A. Mattern, Newton.
JOHNSON COUNTY BAR ASSOCIATION.	M. J. Wade, Iowa City.	W. J. McDonald, Iowa City.
FORT MADISON BAR ASSOCIATION. (Lee County.)	W. S. Hamilton, Fort Madison.	E. C. Weber, Fort Madison.
LINN COUNTY BAR ASSOCIATION (1907).	J. H. Preston, Cedar Rapids.	Thomas B. Powell, Cedar Rapids.
MAHASKA COUNTY BAR ASSOCIATION.	H. H. Sheriff, Oskaloosa.	David S. Davlet, Oskaloosa.
MONONA COUNTY BAR ASSOCIATION.	T. B. Lutz, Mapleton.	A. Kindall, Onawa.

## IOWA—Continued.

NAME.	PRESIDENT.	SECRETARY.
MONROE COUNTY BAR ASSOCIATION.	T. B. Perry, Albia.	T. Hickenlooper, Albia.
OSCEOLA COUNTY BAR ASSOCIATION.	C. M. Brooks, Sibley.	John F. Glover, Sibley.
DES MOINES BAR ASSOCIATION. (Polk County.)	W. L. Read, Des Moines.	Robt. J. Bannister, Des Moines.
POTTAWATTAMIE COUNTY BAR ASSOCIATION (1907).	W. Mynster, Council Bluffs.	D. L. Ross, Council Bluffs.
SCOTT COUNTY BAR ASSOCIATION.	J. A. Hanley, Davenport.	Albert J. Noth, Davenport.
TAYLOR COUNTY BAR ASSOCIATION (1907).	W. E. Miller, Bedford.	J. M. Haddock, Bedford.
VAN BUREN COUNTY BAR ASSOCIATION.	Alex. Brown, Keosauqua.	J. C. Calhoun. Keosauqua.
WAPELO COUNTY BAR ASSOCIATION.	W. H. C. Jacques, Ottumwa.	George F. Heindel, Ottumwa.
WARREN COUNTY BAR ASSOCIATION.	H. McNeill, Indianola.	A. V. Proudfoot, Indianola.
WASHINGTON COUNTY BAR ASSOCIATION.	H. M. Elcher, Washington.	Carlton C. Wilson, Washington.
WEBSTER COUNTY BAR ASSOCIATION.	A. N. Botsford, Fort Dodge.	Wm. T. Chantland, Fort Dodge.
SIoux CITY BAR ASSOCIATION. (Woodbury County.)	C. L. Wright, Sioux City.	John R. Carter, Sioux City.

## KANSAS.

NAME.	PRESIDENT.	SECRETARY.
Bar Association of the State of Kansas.	J. W. Green, Lawrence.	D. A. Valentine, Topeka.
DOUGLAS COUNTY BAR ASSOCIATION (1907).	Wm. W. Nevison, Lawrence.	(Vacant.)
MORRIS COUNTY BAR ASSOCIATION (1908).	M. B. Nicholson, Council Grove.	W. J. Pirtle, Council Grove.
SEDGWICK COUNTY BAR ASSOCIATION (1907).	J. D. Houston, Wichita.	V. Harris, Wichita.

## KENTUCKY.

Kentucky State Bar Association.	Charles W. Metcalf, Pineville.	R. A. McDowell, Louisville.
CAMPBELL COUNTY BAR ASSOCIATION (1908).	Otto Wolff, Newport.	Louis Renscher, Newport.
KENTON COUNTY BAR ASSOCIATION (1908).	C. A. J. Walker, Covington.	Harry B. Mackoy, Covington.
LOUISVILLE BAR ASSOCIATION.	Alex. P. Humphrey, Louisville.	John M. Scott, Louisville.

## LOUISIANA.

Louisiana Bar Association.	E. H. Randolph, Shreveport.	Charles A. Duchamp, New Orleans.
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## MAINE.

Maine State Bar Association.	Luere B. Deasy, Bar Harbor.	Norman L. Bassett, Augusta.
ANDROSCOGGIN COUNTY BAR ASSOCIATION.	George C. Wing, Auburn.	Henry W. Oakes, Auburn.
AROOSTOOK COUNTY BAR ASSOCIATION.	Peter C. Keegan, Van Buren.	Ransford W. Shaw, Houlton.

## MAINE—Continued.

NAME.	PRESIDENT.	SECRETARY.
CUMBERLAND COUNTY BAR ASSOCIATION.	Charles F. Libby, Portland.	John F. A. Merrill, Portland.
FRANKLIN COUNTY BAR ASSOCIATION.	Philip H. Stubbs, Strong.	Byron M. Small, Farmington.
HANCOCK COUNTY BAR ASSOCIATION.	Luere B. Deasy, Bar Harbor.	William E. Whiting, Ellsworth.
KENNEBEC COUNTY BAR ASSOCIATION.	Charles F. Johnson, Waterville.	Chas. L. Andrews, Augusta.
KNOX COUNTY BAR AND LIBRARY ASSOCIATION.	D. N. Mortland, Rockland.	C. M. Walker, Rockland.
LINCOLN COUNTY BAR ASSOCIATION.	William H. Hilton, Damariscotta.	Charles L. Macurda, Wiscasset.
OXFORD COUNTY BAR ASSOCIATION.	C. E. Holt, Norway.	Charles F. Whitman, Norway.
PENOBSCOT COUNTY BAR ASSOCIATION.	F. A. Wilson, Bangor.	F. H. Appleton, Bangor.
PISCATAQUIS COUNTY BAR ASSOCIATION.	Joseph B. Peaks, Dover.	Willis E. Parsons, Foxcroft.
SAGadahoc COUNTY BAR ASSOCIATION.	Wm. T. Hall, Richmond.	Walter S. Glidden, Bath.
SOMERSET COUNTY BAR AND LIBRARY ASSOCIATION.	(Vacant.)	W. T. Seekins, Skowhegan.
WALDO COUNTY BAR ASSOCIATION.	Wm. H. McLellan, Belfast.	James S. Harriman, Belfast.
WASHINGTON COUNTY BAR ASSOCIATION.	John F. Lynch, Machias.	C. B. Donworth, Machias.
YORK COUNTY BAR ASSOCIATION.	George F. Haley, Saco.	G. N. Weymouth, Biddeford.



## MARYLAND.

NAME.	PRESIDENT.	SECRETARY.
Maryland State Bar Association.	David G. McIntosh, Towson.	J. W. Chapman, Jr., Baltimore.
ALLEGANY COUNTY BAR ASSOCIATION.	P. C. Barnes, Cumberland.	D. Lindley Sloan, Cumberland.
THE BAR ASSOCIATION OF BALTIMORE CITY.	William L. Marbury, Baltimore.	James W. Bowers, Jr., Baltimore.
CAROLINE COUNTY BAR ASSOCIATION.	T. Pliney Fisher, Denton.	T. A. Goldsborough, Denton.
CARROLL COUNTY BAR ASSOCIATION.	James A. C. Bond, Westminster.	E. O. Grimes, Jr., Westminster.
CECIL COUNTY BAR AND LAW LIBRARY ASSOCIATION.	William S. Evans, Elkton.	Joshua Clayton, Elkton.
GARRETT COUNTY BAR ASSOCIATION.	Fred. A. Thayer, Oakland.	Julius C. Renninger, Oakland.
MONTGOMERY COUNTY BAR ASSOCIATION.	Hattersly W. Talbott, Rockville.	Wm. F. Prettyman, Rockville.
PRINCE GEORGE'S COUNTY BAR ASSOCIATION.	George C. Merrick, Marlboro.	Allan Bowie, Marlboro.
TALBOT COUNTY BAR ASSOCIATION.	Joseph B. Seth, Easton.	T. Hughlett Henry, Easton.
WASHINGTON COUNTY BAR ASSOCIATION.	William Kealhofer, Hagerstown.	Levin Stonebraker, Hagerstown.
WICOMICO COUNTY BAR ASSOCIATION.	Charles F. Holland, Salisbury.	Elmer H. Walton, Salisbury.

## MASSACHUSETTS.

BAR ASSOCIATION OF THE CITY OF BOSTON.	Moorfield Storey, Boston.	Robert S. Gorham, Boston.
BERKSHIRE BAR ASSOCIATION. (Berkshire County.)	Charles E. Burke, Pittsfield.	William A. Burns, Pittsfield.

## MASSACHUSETTS—Continued.

NAME.	PRESIDENT.	SECRETARY.
FALL RIVER BAR ASSO- CIATION (1908). (Bristol County.)	Andrew J. Jennings, Fall River.	Edward A. Thurston, Fall River.
NEW BEDFORD BAR ASSO- CIATION.	Charles W. Clifford, New Bedford.	Frank A. Milliken, New Bedford.
TAUNTON BAR ASSOCIA- TION.	Wm. S. Woods, Taunton.	Louis Swig, Taunton.
ESSEX BAR ASSOCIATION.	William H. Niles, Lynn.	Alden P. White, Salem.
HAMPDEN BAR ASSOCIA- TION.	Edward H. Lathrop, Springfield.	Robert O. Morris, Springfield.
HAVERHILL BAR ASSOCIA- TION.	Robert D. Trask, Haverhill.	Daniel J. Linehan, Haverhill.
LAWRENCE BAR ASSOCIA- TION.	William S. Knox, Lawrence.	John C. Sanborn, Lawrence.
LYNN BAR ASSOCIATION (1908).	James H. Sisk, Lynn.	J. J. Doherty, Lynn.
NEWBURYPORT BAR AS- SOCIATION (1908).	Robert E. Burke, Newburyport.	Charles T. Smith, Newburyport.
FRANKLIN COUNTY BAR ASSOCIATION.	Frederick L. Green, Greenfield.	Henry W. Lyman, Greenfield.
HAMPSHIRE COUNTY BAR ASSOCIATION.	T. G. Spaulding, Northampton.	Haynes H. Chilson, Northampton.
BAR ASSOCIATION OF THE COUNTY OF MIDDLESEX.	Samuel K. Hamilton, Wakefield.	Frank M. Forbush, Newton Centre.
PLYMOUTH COUNTY BAR ASSOCIATION (1908).	Benjamin W. Harris, E. Bridgewater.	Arthur Lord, Plymouth.
SALEM BAR ASSOCIATION (1907).	(Vacant.)	Joseph B. Saunders, Salem.

## MICHIGAN.

NAME.	PRESIDENT.	SECRETARY.
Michigan State Bar Association.	Harry A. Lockwood, Detroit.	William J. Landman, Grand Rapids.
BAY COUNTY BAR ASSOCIATION.	H. M. Gillett, Bay City.	E. V. Ingersoll, Bay City.
BRANCH COUNTY BAR ASSOCIATION.	Henry H. Barlow, Coldwater.	Henry E. Straight, Coldwater.
CALHOUN COUNTY BAR ASSOCIATION.	N. H. Briggs, Battle Creek.	Walter L. Cornell, Battle Creek.
HOUGHTON COUNTY BAR ASSOCIATION.	T. L. Chadbourne, Houghton.	G. R. Campbell, Calumet.
INGHAM COUNTY BAR ASSOCIATION.	S. L. Kilbourne, Lansing.	Harry A. Silsbee, Lansing.
IONIA COUNTY BAR ASSOCIATION.	Allen B. Morse, Ionia.	Elbert M. Davis, Ionia.
ISABELLA COUNTY BAR ASSOCIATION.	I. A. Fancher, Mt. Pleasant.	H. A. Sanford, Mt. Pleasant.
JACKSON COUNTY BAR ASSOCIATION.	Enoch Bancker, Jackson.	George H. Curtis, Jackson.
GRAND RAPIDS BAR ASSOCIATION. (Kent County.)	Albert Crane, Grand Rapids.	Kirk E. Wicks, Grand Rapids.
LAPEER COUNTY BAR ASSOCIATION.	W. B. Williams, Lapeer.	John Loughnane, Lapeer.
LENAWEE COUNTY BAR ASSOCIATION.	Richard A. Watts, Adrian.	Earl C. Michener, Adrian.
MARQUETTE COUNTY BAR ASSOCIATION.	Dan H. Ball, Marquette.	George P. Brown, Marquette.
MACOMB COUNTY BAR ASSOCIATION.	Charles B. Spier, Romeo.	Franz C. Kuhn, Mt. Clemens.

## MICHIGAN—Continued.

NAME.	PRESIDENT.	SECRETARY.
MUSKEGON COUNTY BAR ASSOCIATION.	J. C. McLaughlin, Muskegon.	Robert E. Walker, Muskegon.
OAKLAND COUNTY BAR ASSOCIATION.	Aaron Perry, Pontiac.	Joseph E. Sawyer. Pontiac.
SAGINAW COUNTY BAR ASSOCIATION.	Henry E. Naegley, Saginaw.	Frank Q. Quinn, Saginaw.
WASHTENAW COUNTY BAR ASSOCIATION.	A. J. Sawyer, Ann Arbor.	Arthur Brown, Ann Arbor.
DETROIT BAR ASSOCIATION. (Wayne County.)	George B. Yerkes, Detroit.	Alexander K. Gage, Detroit.

## MINNESOTA.

Minnesota State Bar Association.	Lafayette French, Austin.	Charles W. Farnham, St. Paul.
(NOTE.—Local officers are for 1908, unless otherwise noted.)		
BLUE EARTH COUNTY BAR ASSOCIATION.	A. R. Pfau, Mankato.	Jean A. Flittle, Mankato.
ELEVENTH JUDICIAL DISTRICT BAR ASSOCIATION.	John G. Williams, Duluth.	Frank Crassweller, Duluth.
JUNIOR BAR ASSOCIATION.	Irene C. Buell, St. Paul.	K. H. Hansen, St. Paul.
MINNEAPOLIS BAR ASSOCIATION. (Hennepin County.)	W. E. Hale, Minneapolis.	J. A. Larimore, Minneapolis.
RAMSEY COUNTY BAR ASSOCIATION.	Thomas B. O'Brien, St. Paul.	W. W. Cutler, St. Paul.
RICE COUNTY BAR ASSOCIATION.	Geo. W. Batchelder, Faribault.	(Vacant.)
SEVENTH JUDICIAL DISTRICT BAR ASSOCIATION.	John W. Mason, Fergus Falls.	Jas. R. Bennett, Jr., St. Cloud.

MINNESOTA—Continued.

NAME.	PRESIDENT.	SECRETARY.
STEARNS COUNTY BAR ASSOCIATION.	George H. Reynolds, St. Cloud.	W. F. Donohue, Melrose.
WASHINGTON COUNTY BAR ASSOCIATION (1909).	J. N. Searles, Stillwater.	E. A. Doe, Stillwater.

MISSISSIPPI.

Mississippi State Bar Association.	T. H. Somerville, University.	Sydney Smith, Jackson.
ADAMS COUNTY BAR ASSOCIATION (1908).	W. C. Martin, Natchez.	William C. Bowman, Natchez.
JEFFERSON COUNTY BAR ASSOCIATION (1908).	R. W. Campbell, Fayette.	J. E. Torrey, Fayette.
PIKE COUNTY BAR ASSOCIATION (1907).	J. H. Prince, Magnolia.	E. J. Simmons, Magnolia.

MISSOURI.

Missouri Bar Association.	John W. Halliburton, Carthage.	Lee Montgomery, Sedalia.
ST. JOSEPH BAR ASSOCIATION (1908). (Buchanan County.)	W. D. Rusk, St. Joseph.	G. L. Zwick, St. Joseph.
KANSAS CITY BAR ASSOCIATION (1908). (Jackson County.)	J. J. Vineyard, Kansas City.	John G. Schaich, Kansas City.
BAR ASSOCIATION OF ST. LOUIS (1907).	John F. Lee, St. Louis.	H. G. Cleaveland, St. Louis.

MONTANA.

(NOTE.—Officers are for 1908.)

Montana Bar Association.	James A. Walsh, Helena.	Charles F. Word, Helena.
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## MONTANA—Continued.

NAME.	PRESIDENT.	SECRETARY.
B A R ASSOCIATION OF EASTERN MONTANA.	John T. Smith, Livingston.	A. P. Stark, Livingston.
CASCADE COUNTY BAR ASSOCIATION.	Thomas E. Brady, Great Falls.	H. H. Ewing, Great Falls.
FLATHEAD COUNTY BAR ASSOCIATION.	G. H. Grubb, Kalispell.	D. F. Smith, Kalispell.
FOURTH JUDICIAL DIS- TRICT BAR ASSOCIATION.	Frank H. Woody, Missoula.	Thos. N. Marlowe, Missoula.
HELENA BAR ASSOCIA- TION. (Lewis and Clarke County.)	F. P. Sterling, Helena.	T. J. Walsh, Helena.
SILVER BOW COUNTY BAR ASSOCIATION.	Louis P. Sanders, Butte.	Lewis A. Smith, Butte.
YELLOWSTONE COUNTY BAR ASSOCIATION.	James R. Goss, Billings.	Harry L. Wilson, Billings.

## NEBRASKA.

Nebraska State Bar As- sociation.	Francis A. Brogan, Omaha.	W. G. Hastings, Lincoln.
ADAMS COUNTY BAR AS- SOCIATION (1908).	George W. Tibbets, Hastings.	Walter M. Crow, Hastings.
OMAHA BAR ASSOCIA- TION (1908). (Douglas County.)	Charles A. Goss, Omaha.	Victor McLucas, Omaha.
LANCASTER COUNTY BAR ASSOCIATION (1908).	Henry H. Wilson, Lincoln.	S. L. Geisthardt, Lincoln.

## NEW HAMPSHIRE.

Bar Association of the State of New Hampshire.	William M. Chase, Concord.	Arthur H. Chase, Concord.
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## NEW HAMPSHIRE—Continued.

NAME.	PRESIDENT.	SECRETARY.
BELKNAP COUNTY BAR ASSOCIATION (1908).	Charles C. Rogers, Tilton.	Bertram Blaisdell, Meredith.
CARROLL COUNTY BAR ASSOCIATION (1908).	Arthur L. Foote, Dover.	Aldo M. Rumery, Ossipee.
BERLIN AND GORHAM BAR ASSOCIATION (1907). (Coös County.)	Alfred R. Evans, Gorham.	J. Howard Wight, Berlin.
GRAFTON AND COÖS BAR ASSOCIATION (1908).	Chester B. Jordan, Lancaster.	Geo. F. Rich, Berlin.

## NEW JERSEY.

New Jersey State Bar Association.	Samuel Kalisch, Newark.	William J. Kraft, Camden.
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(NOTE.—Local officers are for 1908, unless otherwise noted.)

ATLANTIC COUNTY BAR ASSOCIATION.	Charles C. Babcock, Atlantic City.	Charles S. Moore, Atlantic City.
BERGEN COUNTY BAR ASSOCIATION.	E. W. Wakelee, Englewood.	Abram DeBaum, Hackensack.
CAMDEN COUNTY BAR ASSOCIATION (1909).	Howard M. Cooper, Camden.	S. Conrad Ott, Camden.
CAPE MAY COUNTY BAR ASSOCIATION.	Morgan Hand, Cape May C. H.	J. Spicer Leaming, Cape May.
CUMBERLAND COUNTY BAR ASSOCIATION.	William A. Logue, Bridgeton.	George Hampton, Bridgeton.
LAWYERS' CLUB OF ESSEX COUNTY.	Thomas L. Raymond, Newark.	A. Van Blarcom, Newark.
GLOUCESTER COUNTY BAR ASSOCIATION.	John S. Jessup, Woodbury.	Francis B. Davis, Woodbury.

## NEW JERSEY—Continued.

NAME.	PRESIDENT.	SECRETARY.
BAR ASSOCIATION OF HUDSON COUNTY.	Albert C. Wall, Jersey City.	Theodore Rurode, Jersey City.
MERCER COUNTY BAR ASSOCIATION.	Geo. W. Macpherson, Trenton.	Wm. E. Blackman, Trenton.
MIDDLESEX COUNTY BAR ASSOCIATION.	J. Kearney Rice, New Brunswick.	George S. Silzer, New Brunswick.
MONMOUTH COUNTY BAR ASSOCIATION.	J. S. Applegate, Sr., Red Bank.	James D. Carton, Asbury Park.
BAR ASSOCIATION OF MORRIS COUNTY.	Henry C. Pitney, Morristown.	Edward K. Mills, Morristown.
PASSAIC COUNTY BAR ASSOCIATION.	William I. Lewis, Paterson.	James G. Blauvelt, Paterson.
SOMERSET COUNTY BAR ASSOCIATION.	John A. Frech, Somerville.	M. M. Steele, Somerville.
BAR ASSOCIATION OF UNION COUNTY (1907).	Craig A. Marsh, Plainfield.	Fred C. Hyer, Elizabeth.

## NEW MEXICO TERRITORY.

New Mexico Bar Association (1908).	E. C. Wade, Las Cruces.	K. K. Scott, Roswell.
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## NEW YORK.

New York State Bar Association.	Adelbert Moot, Buffalo.	F. E. Wadhams, Albany.
ALBANY COUNTY BAR ASSOCIATION.	Arthur L. Andrews, Albany.	Charles S. Stedman, Albany.
ALLEGANY COUNTY BAR ASSOCIATION.	Elba Reynolds, Belmont.	Jesse L. Grantier, Wellsville.
BROOME COUNTY BAR ASSOCIATION.	A. D. Wales, Binghamton.	John Marcy, Binghamton.



## NEW YORK—Continued.

NAME.	PRESIDENT.	SECRETARY.
CATTARAUGUS COUNTY BAR ASSOCIATION.	Hudson Ansley, Salamanca.	Dana L. Jewell, Olean.
DELAWARE COUNTY BAR ASSOCIATION.	John P. Grant, Stamford.	Marion M. Palmer, Delhi.
ERIE COUNTY BAR ASSO- CIATION.	Wm. H. Hotchkiss, Buffalo.	Oscar F. Georgi, Buffalo.
GREENE COUNTY BAR AS- SOCIATION.	Emory A. Chase, Catskill.	Percy W. Decker, Catskill.
HERKIMER COUNTY BAR ASSOCIATION.	Charles Bell, Herkimer.	Mabel J. Wood, Herkimer.
JEFFERSON COUNTY BAR ASSOCIATION.	Edgar C. Emerson, Watertown.	Charles A. Phelps, Watertown.
LIVINGSTON COUNTY BAR ASSOCIATION.	John B. Abbott, Geneseo.	Charles W. Gamble, Geneseo.
MADISON COUNTY BAR ASSOCIATION.	Joseph Mason, Hamilton.	B. Fitch Tompkins, Morrisville.
NASSAU COUNTY BAR AS- SOCIATION.	James P. Niemann, Lynbrook.	William Clark Roe, Thomaston.
NEW YORK COUNTY LAW- YERS' ASSOCIATION.	Alton B. Parker, New York.	Charles Strauss, New York.
ONEIDA COUNTY BAR AS- SOCIATION.	Thomas S. Jones, Utica.	William K. Harvey, Utica.
ONONDAGA COUNTY BAR ASSOCIATION.	Theo. E. Hancock, Syracuse.	Ernest I. Edgcomb, Syracuse.
OSWEGO COUNTY BAR AS- SOCIATION.	Udelle Bartlett, Oswego.	Albert C. Coon, Oswego.
QUEENS COUNTY BAR AS- SOCIATION.	Eugene N. L. Young, Long Island City.	Morris L. Strauss, College Point.

## NEW YORK—Continued.

NAME.	PRESIDENT.	SECRETARY.
RENSSELAER COUNTY BAR ASSOCIATION.	Lewis E. Griffith, Troy.	James V. Coffey, Troy.
RICHMOND COUNTY BAR ASSOCIATION.	Eugene L. Richards, Jr., New Brighton.	Lawrence W. Wildde- combe, Stapleton.
ROCKLAND COUNTY BAR ASSOCIATION.	Abram A. Demarest, Nyack.	George A. Wyre, Nyack.
ST. LAWRENCE COUNTY BAR ASSOCIATION.	Ledyard P. Hale, Canton.	Alris R. Herriman, Ogdensburg.
SCHENECTADY COUNTY BAR ASSOCIATION.	Everett Smith, Schenectady.	Marvin H. Strong, Schenectady.
STEUBEN COUNTY BAR ASSOCIATION.	John F. Little, Bath.	Henry V. Pratt, Wayland.
SUFFOLK COUNTY BAR ASSOCIATION.	Timothy M. Griffing, Riverhead.	Joseph M. Belford, Riverhead.
ULSTER COUNTY BAR ASSOCIATION.	G. D. B. Hasbrouck, Kingston.	Roscoe Irwin, Kingston.
WAYNE COUNTY BAR ASSOCIATION.	Marvin I. Greenwood, Newark.	Gordon Harris, Newark.
WESTCHESTER COUNTY BAR ASSOCIATION.	Frank V. Millard, Tarrytown.	William R. Condit, White Plains.
WYOMING COUNTY BAR ASSOCIATION.	James E. Norton, Warsaw.	Chester A. Van Ars- dale, Warsaw.
YATES COUNTY BAR ASSOCIATION.	C. W. Kimball, Penn Yan.	H. B. Harpending, Dundee.
AMSTERDAM, BAR ASSOCIATION OF THE CITY OF	Charles S. Nisbet, Amsterdam.	Harry Sherburne, Amsterdam.
BRONX, ASSOCIATION OF THE BAR OF THE BOROUGH OF	Douglas Mathewson, New York.	Edward R. Koch, New York.

## NEW YORK—Continued.

NAME.	PRESIDENT.	SECRETARY.
BROOKLYN BAR ASSOCIATION.	David F. Manning, Brooklyn.	Edward L. Collier, Brooklyn.
FREDONIA BAR ASSOCIATION.	Arthur R. Moore, Fredonia.	Harry B. Espy, Fredonia.
GLOVERSVILLE, BAR ASSOCIATION OF THE CITY OF	William S. Cassedy, Gloversville.	Arthur L. Graff, Gloversville.
JAMESTOWN, BAR ASSOCIATION OF THE CITY OF	Frank W. Stevens, Jamestown.	Charles H. Wiborg, Jamestown.
JOHNSTOWN BAR ASSOCIATION.	Borden D. Smith, Johnstown.	McIntyre Fraser, Johnstown.
NEW YORK, ASSOCIATION OF THE BAR OF THE CITY OF	Edmund Wetmore, New York.	Silas B. Brownell, New York.
ROCHESTER BAR ASSOCIATION.	Henry G. Danforth, Rochester.	Eugene Raines, Rochester.
THE WOMAN'S ASSOCIATION OF THE BAR.	Miss Emilie M. Bul- lowa, New York.	Mrs. E. H. Travis, New York.
YONKERS BAR ASSOCIATION.	Matthew H. Ellis, Yonkers.	H. H. Holmstrom, Yonkers.

## NORTH CAROLINA.

North Carolina Bar Association (1908).	Louis H. Clement, Salisbury.	Thomas W. Davis, Wilmington.
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## NORTH DAKOTA.

Bar Association of North Dakota.	Lee Combs, Valley City.	W. H. Thomas, Leeds.
BARNES COUNTY BAR ASSOCIATION.	Herman Winterer, Valley City.	A. P. Paulson, Valley City.

## NORTH DAKOTA—Continued.

NAME.	PRESIDENT.	SECRETARY.
BENSON COUNTY BAR ASSOCIATION.	O. D. Comstock, Minnewaukon.	Torger Sinness, Minnewaukon.
BOTTINEAU COUNTY BAR ASSOCIATION.	A. G. Burr, Bottineau.	N. C. Wagner, Bottineau.
BURLEIGH COUNTY BAR ASSOCIATION.	E. A. Williams, Bismarck.	David Stewart, Bismarck.
CASS COUNTY BAR ASSOCIATION.	M. A. Hildrith, Fargo.	Seth W. Richardson, Fargo.
DISTRICT BAR ASSOCIATION (1908).	L. N. Torson, Rugby.	Albert Besancon, Bottineau.
GRAND FORKS COUNTY BAR ASSOCIATION.	Tracy R. Bangs, Grand Forks.	F. J. Duggan, Grand Forks.
RAMSEY COUNTY BAR ASSOCIATION.	Silver Serumgard, Devils Lake.	E. F. Flynn, Devils Lake.
BAR ASSOCIATION OF THE SECOND JUDICIAL DISTRICT OF NORTH DAKOTA.	John Burke, Devils Lake.	W. H. Thomas, Leeds.
BAR ASSOCIATION OF THE NINTH JUDICIAL DISTRICT OF NORTH DAKOTA.	A. M. Christianson, Towner.	A. E. Coger, Rugby.
STUTSMAN COUNTY BAR ASSOCIATION.	John Knauf, Jamestown.	Oscar J. Seller, Jamestown.
WALSH COUNTY BAR ASSOCIATION.	C. A. M. Spencer, Minot.	John Fraine, Grafton.
WARD COUNTY BAR ASSOCIATION.	John E. Greene, Minot.	R. H. Bosard, Minot.
WILLIAMS COUNTY BAR ASSOCIATION.	A. L. Knauf, Williston.	Edwin A. Pelmer, Williston.

## OHIO.

NAME.	PRESIDENT.	SECRETARY
Ohio State Bar Association.	Jerome B. Burrows, Painesville.	Edward B. McCarter, Columbus.

(NOTE.—Local officers are for 1908, unless otherwise noted.)

ALLEN COUNTY BAR ASSOCIATION.	John W. Roby, Lima.	Kent W. Hughes, Lima.
ASHLAND COUNTY BAR ASSOCIATION.	H. A. Mykrantz, Ashland.	F. N. Patterson, Ashland.
ATHENS COUNTY BAR ASSOCIATION (1907).	C. H. Grosvenor, Athens.	J. P. Wood, Jr., Athens.
AUGLAIZE COUNTY LAW LIBRARY AND BAR ASSOCIATION.	L. N. Blume, Wapakoneta.	F. M. Horn, Wapakoneta.
BUTLER COUNTY LIBRARY ASSOCIATION.	Benj. F. Horwitz, Middletown.	Robert J. Shank, Hamilton.
SPRINGFIELD BAR AND LAW LIBRARY ASSOCIATION. (Clark County.)	Chase Stewart, Springfield.	Arthur B. Todd, Springfield.
COLUMBIANA COUNTY BAR ASSOCIATION, SOUTHERN.	P. M. Smith, Wellsville.	Walter B. Hill, East Liverpool.
CLEVELAND BAR ASSOCIATION. (Cuyahoga County.)	F. H. Goff, Cleveland.	T. H. Bushnell, Cleveland.
CINCINNATI BAR ASSOCIATION (1909).	Rupert B. Smith, Cincinnati.	Stanley Merrell, Cincinnati.
FRANKLIN COUNTY BAR ASSOCIATION (1909).	Lowry F. Sater, Columbus.	Fred H. Schoedinger, Columbus.
FINDLAY BAR ASSOCIATION. (Hancock County.)	W. H. Knider, V. P., Findlay.	John E. Priddy, Findlay.
HARRISON COUNTY BAR ASSOCIATION.	David Cunningham, Cadiz.	William T. Perry, Cadiz.

## OHIO—Continued.

NAME.	PRESIDENT.	SECRETARY.
HENRY COUNTY BAR ASSOCIATION (1907).	Martin Knapp, Napoleon.	James P. Ragan, Napoleon.
LAKE COUNTY LAW LIBRARY ASSOCIATION.	G. N. Tuttle, Painesville.	B. C. Shepherd, Painesville.
LICKING COUNTY BAR ASSOCIATION (1907).	Charles H. Kibler, Newark.	Charles W. Seward, Newark.
LORAIN COUNTY BAR ASSOCIATION.	E. G. Johnson, Elyria.	A. E. Lawrence, Elyria.
TOLEDO BAR ASSOCIATION. (Lucas County.)	Charles Northrup, Toledo.	James H. Boyd, Toledo.
MAHONING COUNTY BAR ASSOCIATION.	J. R. Johnston, Youngstown.	Guy T. Ohl, Youngstown.
MARION COUNTY BAR ASSOCIATION.	William Z. Davis, Columbus.	William E. Scofield, Marion.
MIAMI COUNTY BAR ASSOCIATION.	George S. Long, Troy.	F. C. Goodrich, Troy.
MONTGOMERY COUNTY BAR ASSOCIATION.	R. Otto Bauman, Dayton.	Harry M. Routzohn, Dayton.
PAULDING COUNTY BAR ASSOCIATION (1907).	P. W. Stumm, Paulding.	G. H. Bayliss, Paulding.
PREBLE COUNTY BAR AND LAW LIBRARY ASSOCIATION.	Elam Fisher, Eaton.	Edith Hart, Eaton.
SANDUSKY COUNTY BAR ASSOCIATION.	T. P. Finefrock, Fremont.	Joseph R. Bartlett, Fremont.
SENECA COUNTY BAR ASSOCIATION.	Nelson L. Brewer, Tiffin.	Milton Saylor, Tiffin.
AKRON BAR ASSOCIATION. (Summit County.)	N. D. Tibbals, Akron.	J. B. Huber, Akron.

## OHIO—Continued.

NAME.	PRESIDENT.	SECRETARY.
STARK COUNTY BAR ASSOCIATION.	James J. Clark, Canton.	Atlee Pomerene, Canton.
TEUMBULL COUNTY LAW AND LIBRARY ASSOCIATION.	Homer E. Stewart, Warren.	Charles M. Wilkins, Warren.
UNION COUNTY BAR ASSOCIATION.	Leonidas Piper, Marysville.	J. H. Kinkade, Marysville.
WARREN COUNTY BAR ASSOCIATION (1907).	J. A. Runyan, Lebanon.	George W. Stanley, Lebanon.
WASHINGTON COUNTY BAR ASSOCIATION.	A. D. Follett, Marietta.	R. A. Underwood, Marietta.

## OKLAHOMA.

OKLAHOMA STATE BAR ASSOCIATION (1908).	W. I. Gilbert, Duncan.	C. O. Brown, Ardmore.
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## OREGON.

(NOTE.—Officers are for 1908.)

Oregon Bar Association.	Wirt Minor, Portland.	Jerry Bronaugh, Portland.
CLACKAMAS COUNTY BAR ASSOCIATION.	Gordon E. Hayes, Oregon City.	W. S. U'Ren, Oregon City.
LANE COUNTY BAR ASSOCIATION.	E. O. Potter, Eugene.	John M. Pipes, Eugene.
MARION COUNTY BAR ASSOCIATION.	Thomas Brown, Salem.	Grant Corby, Salem.
MULTNOMAH COUNTY BAR ASSOCIATION.	Gus C. Moser, Portland.	Arthur Langguth, Portland.
HOOD RIVER BAR ASSOCIATION. (Wasco County.)	A. J. Derby, Hood River.	Ernest C. Smith, Hood River.
UMATILLA COUNTY BAR ASSOCIATION.	James A. Fee, Pendleton.	James H. Raley, Pendleton.

## PENNSYLVANIA.

NAME.	PRESIDENT.	SECRETARY.
<b>Pennsylvania Bar Association.</b>	Gustav A. Endlich, Reading.	William H. Staake, Philadelphia.
<b>ADAMS COUNTY BAR ASSOCIATION.</b>	Wm. McClean, Gettysburg.	W. Clarence Sheely, Gettysburg.
<b>ALLEGHENY COUNTY BAR ASSOCIATION.</b>	Frank C. Osburn, Pittsburgh.	Harry G. Tinker, Pittsburgh.
<b>ARMSTRONG COUNTY BAR ASSOCIATION (1908).</b>	James W. King, Kittanning.	E. E. Lawson, Kittanning.
<b>LAW ASSOCIATION OF BEAVER COUNTY.</b>	Frank E. Reader, New Brighton.	Charles R. May, Beaver Falls.
<b>BERKS COUNTY BAR ASSOCIATION.</b>	Isaac Hiester, Reading.	Thomas K. Leidy, Reading.
<b>BLAIR COUNTY BAR ASSOCIATION (1908).</b>	Adie H. Stevens, Tyrone.	Henry A. McFadden, Hollidaysburg.
<b>BRADFORD COUNTY BAR ASSOCIATION.</b>	Rodney A. Mercur, Towanda.	Stephen H. Smith, Towanda.
<b>BUCKS COUNTY BAR ASSOCIATION.</b>	Harman Yerkes, Doylestown.	Henry A. James, Doylestown.
<b>BUTLER COUNTY BAR ASSOCIATION.</b>	J. D. McJunkin, Butler.	J. D. Marshall, Butler.
<b>CAMBRIA BAR ASSOCIATION.</b>	W. Horace Rose, Johnstown.	H. H. Myers, Ebensburg.
<b>CAMERON COUNTY BAR ASSOCIATION.</b>	J. C. Johnson, Emporium.	Jay Paul Felt, Emporium.
<b>CARBON COUNTY BAR ASSOCIATION.</b>	Edw. M. Mulhearn, Mauch Chunk.	Frank P. Sharkey, Mauch Chunk.
<b>CENTER COUNTY BAR ASSOCIATION.</b>	Ellis L. Otvis, Bellefonte.	A. B. Kimport, Bellefonte.
<b>CHESTER COUNTY LAW AND MISCELLANEOUS LIBRARY ASSOCIATION.</b>	William M. Hayes, West Chester.	Thomas Lack, West Chester.



## PENNSYLVANIA—Continued.

NAME.	PRESIDENT.	SECRETARY.
CLARION BAR ASSOCIATION. (Clarion County.)	David Lawson, Clarion.	W. D. Burns, Clarion.
CLEARFIELD COUNTY LAW ASSOCIATION.	Allison O. Smith, Clearfield.	Benjamin F. Chase, Clearfield.
CLINTON COUNTY BAR ASSOCIATION.	C. S. McCormick, Lock Haven.	E. P. Geary, Lock Haven.
COLUMBIA COUNTY BAR ASSOCIATION.	John G. Freeze, Bloomsburg.	George E. Elwell, Bloomsburg.
CRAWFORD COUNTY BAR ASSOCIATION.	B. B. Pickett, Jr., Meadville.	E. Lowry Humes, Meadville.
CUMBERLAND COUNTY BAR ASSOCIATION (1908).	Robt. M. Henderson, Carlisle.	Conrad Hambleton, Carlisle.
DAUPHIN COUNTY BAR ASSOCIATION.	William M. Hargest, Harrisburg.	Scott S. Leiby, Harrisburg.
DELAWARE COUNTY BAR ASSOCIATION.	Geo. E. Darlington, Media.	J. C. Taylor, Chester.
ELK COUNTY BAR ASSOCIATION.	Harry Alvan Hall, Ridgway.	Fred W. McFarlin, Ridgway.
ERIE COUNTY BAR ASSOCIATION.	Louis Rosenzweig, Erie.	William B. Walling, Erie.
FAYETTE COUNTY BAR ASSOCIATION.	Robert F. Hopwood, Uniontown.	D. W. Henderson, Uniontown.
FOREST BAR ASSOCIATION (1908).	Samuel D. Irwin, Tionesta.	T. F. Ritchey, Tionesta.
FRANKLIN COUNTY BAR ASSOCIATION.	O. C. Bowers, Chambersburg.	Loren A. Culp, Chambersburg.
FULTON COUNTY BAR ASSOCIATION.	J. Nelson Sipes, McConnellsburg.	W. Scott Alexander, McConnellsburg.
HUNTINGDON COUNTY BAR ASSOCIATION.	J. R. Simpson, Huntingdon.	James S. Woods, Huntingdon.

## PENNSYLVANIA—Continued.

NAME.	PRESIDENT.	SECRETARY.
INDIANA COUNTY LAW ASSOCIATION.	J. N. Banks, Indiana.	Elder Peelor, Indiana.
JEFFERSON COUNTY BAR ASSOCIATION.	E. A. Carmalt, Brookville.	John M. White, Brookville.
JUNIATA COUNTY BAR ASSOCIATION.	B. F. Burchfield, Mifflintown.	F. M. M. Pennell, Mifflintown.
LACKAWANNA COUNTY LAW AND LIBRARY ASSOCIATION.	Samuel B. Price, Scranton.	Charles E. Daniels, Scranton.
LANCASTER BAR ASSOCIATION. (Lancaster County.)	W. U. Hensel, Lancaster.	John W. Appel, Lancaster.
LAWRENCE COUNTY BAR ASSOCIATION.	William J. Moffat, New Castle.	Robert L. Wallace, New Castle.
LEBANON COUNTY BAR ASSOCIATION.	Charles M. Zerbe, Lebanon.	E. W. Miller, Lebanon.
BAR ASSOCIATION OF LEHIGH COUNTY.	Edward Harvey, Allentown.	Francis G. Lewis, Allentown.
LYCOMING LAW ASSOCIATION. (Lycoming County.)	John T. Fredericks, Williamsport.	John E. Cupp, Williamsport.
McKEAN COUNTY BAR ASSOCIATION.	Edwin L. Keenan, Smethport.	Guy B. Mayo, Smethport.
MERCER COUNTY BAR ASSOCIATION.	A. H. McElrath, Mercer.	Virgil L. Johnson, Mercer.
MIFFLIN COUNTY BAR ASSOCIATION.	Thos. M. Uttley, Lewistown.	M. M. McLaughlin, Lewistown.
MONTGOMERY COUNTY BAR ASSOCIATION.	H. K. Weand, Norristown.	Wm. F. Dannehower, Norristown.
NORTHAMPTON COUNTY BAR ASSOCIATION.	Frank Reader, Easton.	David Bachman, Easton.

## PENNSYLVANIA—Continued.

NAME.	PRESIDENT.	SECRETARY.
NORTHUMBERLAND COUNTY LAW ASSOCIATION.	W. H. M. Oram, Shamokin.	Harry S. Knight, Sunbury.
PERRY COUNTY BAR ASSOCIATION.	W. N. Seibert, New Bloomfield.	W. W. Rice, New Bloomfield.
LAW ASSOCIATION OF PHILADELPHIA.	Alexander Simpson, Jr., Philadelphia.	Owen J. Roberts, Philadelphia.
LAWYERS' CLUB OF PHILADELPHIA.	Francis S. Brown, Philadelphia.	Henry C. Thompson, Jr., Philadelphia.
POTTER COUNTY BAR ASSOCIATION.	John Ormerod, Coudersport.	A. N. Crandall, Coudersport.
LAW ASSOCIATION OF SCHUYLKILL COUNTY.	Guy E. Farquhar, Pottsville.	Wesley K. Woodbury, Pottsville.
SNYDER COUNTY BAR ASSOCIATION.	A. W. Potter, Selin's Grove.	Jay G. Weiser, Middleburg.
SOMERSET COUNTY BAR ASSOCIATION.	H. L. Baer, Somerset.	A. C. Holbert, Somerset.
SULLIVAN COUNTY BAR ASSOCIATION.	Thos. J. Ingham, La Porte.	Wm. P. Shoemaker, La Porte.
SUSQUEHANNA COUNTY LEGAL ASSOCIATION.	William M. Post, Montrose.	H. A. Denney, Montrose.
TIOGA COUNTY BAR ASSOCIATION.	S. F. Channell, Wellsboro.	A. J. Shattuck, Wellsboro.
UNION COUNTY BAR ASSOCIATION.	Alfred Hayes, Lewisburgh.	Cloyd Steininger, Lewisburgh.
VENANGO COUNTY BAR ASSOCIATION.	James S. Carmichael, Franklin.	John L. Nesbit, Franklin.
WARREN COUNTY BAR ASSOCIATION.	C. W. Stone, Warren.	W. S. Clark, Warren.
WASHINGTON BAR ASSOCIATION. (Washington County.)	Boyd Crumrine, Washington.	E. D. Murdoch, Washington.

## PENNSYLVANIA—Continued.

NAME.	PRESIDENT.	SECRETARY.
WAYNE COUNTY BAR ASSOCIATION.	Henry Wilson, Honesdale.	R. M. Stocker, Honesdale.
WAYNESBURG BAR ASSOCIATION.	J. B. Donley, Waynesburg.	James J. Purnam, Waynesburg.
WESTMORELAND LAW ASSOCIATION.	D. S. Atkinson, Greensburg.	Ralph D. Hurst, Greensburg.
WILKES-BARRE LAW AND LIBRARY ASSOCIATION. (Luzerne County.)	Alexander Farnham, Wilkes-Barre.	Joseph D. Coons, Wilkes-Barre.
WYOMING COUNTY BAR ASSOCIATION.	Jas. Wilson Pratt, Tunkhannock.	H. Stanley Harding, Tunkhannock.
YORK COUNTY BAR ASSOCIATION.	Joseph R. Strawbridge, York.	George Hay Kain, York.

## RHODE ISLAND.

The Rhode Island Bar Association (1908).	Dexter B. Potter, Providence.	Howard B. Gorham, Providence.
PROVIDENCE BAR CLUB. (Providence County) (1908).	Dexter B. Potter, Providence.	Edward I. Brownell, Providence.

## SOUTH CAROLINA.

South Carolina Bar Association (1908).	John C. Sheppard, Edgefield.	John J. Earle, Columbia.
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## SOUTH DAKOTA.

South Dakota Bar Association.	Edward E. Wagner, Alexandria.	Jno. H. Voorhees, Sioux Falls.
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(NOTE.—Local officers are for 1908.)

BROWN COUNTY BAR ASSOCIATION.	J. H. Hauser, Aberdeen.	Charles M. Stevens, Aberdeen.
DAVISON COUNTY BAR ASSOCIATION.	J. L. Hannett, Mitchell.	H. E. Hitchcock, Mitchell.
MINNEHAHA COUNTY BAR ASSOCIATION.	E. R. Winans, Sioux Falls.	Jno. H. Voorhees, Sioux Falls.

## TENNESSEE.

NAME.	PRESIDENT.	SECRETARY.
Bar Association of Tennessee.	Harry B. Anderson, Memphis.	Chas. H. Smith, Knoxville.
FRANKLIN COUNTY BAR ASSOCIATION.	George E. Banks, Jr., Winchester.	J. W. Crabtree, Winchester.
CHATTANOOGA BAR AND LAW LIBRARY ASSOCIATION. (Hamilton County.)	J. M. Trimble, Chattanooga.	L. M. Thomas, Chattanooga.
MURFREESBORO BAR ASSOCIATION. (Rutherford County.)	Horace E. Palmer, Murfreesboro.	Jesse W. Sparks, Murfreesboro.
MEMPHIS BAR ASSOCIATION. (Shelby County.)	Lee Thornton, Memphis.	R. Lee Bartels, Memphis.
WINCHESTER BAR AND LAW LIBRARY ASSOCIATION.	Jesse M. Littleton, Winchester.	I. W. Crabtree, Winchester.

## TEXAS.

Texas Bar Association.	Wm. H. Burges, El Paso.	J. B. Cave, Austin.
(NOTE.—Local officers are for 1908, unless otherwise noted.)		
DALLAS BAR ASSOCIATION. (Dallas County.)	T. T. Holloway, Dallas.	H. C. Jarred, Dallas.
AUSTIN BAR ASSOCIATION (1907). (Travis County.)	John Dowell, Austin.	J. W. Maxwell, Austin.

## UTAH.

State Bar Association of Utah.	LeGrand Young, Salt Lake City.	William D. Riter, Salt Lake City.
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## VERMONT.

Vermont Bar Association.	C. G. Austin, St. Albans.	John H. Mimms, St. Albans.
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## VIRGINIA.

NAME.	PRESIDENT.	SECRETARY.
Virginia State Bar Association.	R. Walton Moore, Fairfax.	John B. Minor, Richmond.
PETERSBURG BAR ASSOCIATION (1908). (Dinwiddie County.)	George S. Bernard, Petersburg.	Robert Gilliam, Petersburg.
BAR ASSOCIATION OF THE CITY OF RICHMOND. (Henrico County.)	John Rutherford, Jr., Richmond.	Maurice A. Powers, Richmond.
LEE COUNTY BAR ASSOCIATION (1907).	C. T. Duncan, Jonesville.	L. T. Hyatt, Jonesville.
NORFOLK AND PORTSMOUTH BAR ASSOCIATION (1908). (Norfolk County.)	Goodrich Hatton, Portsmouth.	Hugh W. Davis, Norfolk.
DANVILLE BAR ASSOCIATION (1908). (Pittsylvania County.)	A. C. Edmunds, Danville.	D. P. Withers, Danville.
BAR ASSOCIATION OF ROANOKE CITY (1908). (Roanoke County.)	J. A. Dupuy, Roanoke.	G. A. Wingfield, Roanoke.
NEWPORT NEWS BAR ASSOCIATION (1907). (Warwick County.)	Robert G. Bickford, Newport News.	William C. Stuart, Newport News.

## WASHINGTON.

Washington State Bar Association.	C. C. Gose, Walla Walla.	C. Will Shaffer, Olympia.
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(NOTE.—Local officers are for 1908.)

CHELAN COUNTY BAR ASSOCIATION.	W. A. Grimshaw, Wenatchee.	Fred Reeves, Wenatchee.
JEFFERSON COUNTY BAR ASSOCIATION.	A. R. Coleman, Pt. Townsend.	U. G. Nagey, Pt. Townsend.
KING COUNTY BAR ASSOCIATION.	Orange Jacobs, Seattle.	John Arthur, Seattle.

## WASHINGTON—Continued.

NAME.	PRESIDENT.	SECRETARY.
SEATTLE BAR ASSOCIATION. (King County.)	L. C. Gilman, Seattle.	R. S. Terhune, Seattle.
KITTITAS COUNTY BAR ASSOCIATION.	Austin Mires, Ellensburg.	Chet Hovey, Ellensburg.
PIERCE COUNTY BAR ASSOCIATION.	Theodore L. Stiles, Tacoma.	O. C. Ellis, Tacoma.
SKAGIT COUNTY BAR ASSOCIATION.	J. C. Waugh, Mt. Vernon.	Dave Hammack, Mt. Vernon.
SNOHOMISH COUNTY BAR ASSOCIATION.	J. Y. Kennedy, Everett.	W. M. Leise, Everett.
BAR ASSOCIATION OF SPOKANE COUNTY.	L. B. Nash, Spokane.	H. M. Brooks, Spokane.
SPOKANE BAR ASSOCIATION. (Spokane County.)	Frank T. Post, Spokane.	W. H. Winfree, Spokane.
THURSTON COUNTY BAR ASSOCIATION.	T. N. Allen, Olympia.	George Bigelow, Olympia.
WALLA WALLA COUNTY BAR ASSOCIATION.	Francis A. Garrecht, Walla Walla.	John W. Brooks, Walla Walla.
WHATCOM COUNTY BAR ASSOCIATION.	A. J. Craven, Bellingham.	E. D. Kenyon, Bellingham.
WHITMAN COUNTY BAR ASSOCIATION.	J. T. Brown, Colfax.	H. M. Love, Colfax.

## WEST VIRGINIA.

West Virginia Bar Association.	Wm. A. Haymond, Sutton.	Charles McCamie, Wheeling.
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(NOTE.—Local officers are for 1908.)

PHILIPPI BAR ASSOCIATION. (Barbour County.)	Melville Peck, Philippi.	Harry H. Byrer, Philippi.
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## WEST VIRGINIA—Continued.

NAME.	PRESIDENT.	SECRETARY.
BERKELEY COUNTY BAR ASSOCIATION.	Stewart W. Walker, Martinsburg.	L. DeW. Gerhardt, Martinsburg.
BRAXTON COUNTY BAR ASSOCIATION.	W. E. Haymond, Sutton.	W. L. Armstrong, Sutton.
CLARKSBURG BAR ASSOCIATION. (Harrison County.)	Jno. J. Davis, Clarksburg.	L. C. Crile, Clarksburg.
BAR ASSOCIATION OF THE CITY OF CHARLESTON. (Kanawha County.)	C. C. Watts, Charleston.	Buckner Clay, Charleston.
LEWIS COUNTY BAR ASSOCIATION.	Andrew Edmuston, Weston.	Robt. L. Bland, Weston.
MARION COUNTY BAR ASSOCIATION.	W. S. Meredith, Fairmont.	Jno. L. Lehman, Fairmont.
MARSHALL COUNTY BAR ASSOCIATION.	J. C. Simpson, Moundsville.	A. L. Hooton, Moundsville.
MERCER COUNTY BAR ASSOCIATION.	Albert W. Reynolds, Princeton.	Z. W. Crockett, Bluefield.
MINERAL COUNTY BAR ASSOCIATION.	Wm. C. Clayton, Keyser.	H. K. Drane, Piedmont.
MONONGALIA COUNTY BAR ASSOCIATION.	L. V. Kech, Morgantown.	John Shriver, Morgantown.
MCDOWELL COUNTY BAR ASSOCIATION.	Wyndham Stokes, Welch.	Landon C. Bell, Welch.
OHIO COUNTY BAR ASSOCIATION.	Wm. Erskine, Wheeling.	A. G. Fickelson, Wheeling.
RANDOLPH COUNTY BAR ASSOCIATION.	J. F. Harding, Elkins.	W. J. Strader, Elkins.
ST. MARYS BAR ASSOCIATION.	Jno. F. Barron, St. Marys.	J. C. Noland, St. Marys.
TAYLOR COUNTY BAR ASSOCIATION.	M. H. Dent, Grafton.	O. E. Wyckoff, Grafton.



## WEST VIRGINIA—Continued.

NAME.	PRESIDENT.	SECRETARY.
TUCKER COUNTY BAR ASSOCIATION.	A. R. Stallings, Davis.	J. Wm. Harman, Parsons.
UPSHUR COUNTY BAR ASSOCIATION.	A. M. Poundstone, Buckhannon.	W. B. Nutter, Buckhannon.
WETZEL COUNTY BAR ASSOCIATION.	M. R. Morris, New Martinsville.	L. V. McIntire, New Martinsville.
WOOD COUNTY BAR ASSOCIATION.	W. N. Miller, Parkersburg.	H. M. Russell, Parkersburg.

## WISCONSIN.

(NOTE.—Officers are for 1908.)

State Bar Association of Wisconsin.	Lyman J. Nash, Manitowoc.	Cornelius I. Haring, Milwaukee.
DANE COUNTY LEGAL ASSOCIATION.	Burr W. Jones, Madison.	John A. Aylward, Madison.
EAU CLAIRE COUNTY BAR ASSOCIATION.	Ira B. Bradford, Augusta.	Frank R. Farr, Eau Claire.
LA CROSSE BAR ASSOCIATION.	Benjamin F. Bryant, La Crosse.	John Brindley, La Crosse.
MILWAUKEE BAR ASSOCIATION. (Milwaukee County.)	John O. Carbys, Milwaukee.	Carl F. Geilfuss, Milwaukee.
ROCK COUNTY BAR ASSOCIATION.	William Smith, Janesville.	Arthur M. Fisher, Janesville.
WAUPACA COUNTY BAR ASSOCIATION.	F. M. Guernsey, Clintonville.	Irving P. Lord, Waupaca.
WINNEBAGO COUNTY BAR ASSOCIATION.	Charles Barber, Oshkosh.	F. J. Barber, Oshkosh.

# MEMORANDUM OF SUBJECTS REFERRED TO COMMITTEES

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## EXECUTIVE COMMITTEE.

To consider the appointment of a committee to draft canons of professional ethics for the judiciary. (See page 88.)

## STANDING COMMITTEES.

### *Patent, Trade-Mark and Copyright Law.*

To continue their efforts to procure the passage of the bill creating a Court of Patent Appeals. (Page 40.)

To urge the passage of a bill for the protection of patented property from confiscation by the Government. (Page 41.)

### *Jurisprudence and Law Reform.*

Frequency of service of jurors in federal courts, and peremptory challenges. (Page 12.)

### *Insurance Law.*

To urge the passage of a law creating a commission to prepare a code of laws for the regulation and control of insurance companies in the District of Columbia. (Page 43.)

### *Uniform State Laws.*

To consider the Uniform Bills of Lading Act and the Uniform Transfer of Stock Act prepared by the Conference of Commissioners on Uniform State Laws. (Pages 85, 86.)

*Legal Education and Admissions to the Bar.*

Resolution for the creation of a new Section to be known as the Section of Legal Writers. (Page 87.)

*Judicial Administration and Remedial Procedure.*

To report upon the revision of the laws under preparation by the Congressional Committee upon the Revision of Laws. (Page 89.)

Resolution that the failure to appear of an accused person who is under bail shall constitute a public offence. (Page 90.)

SPECIAL COMMITTEES.

*To Suggest Remedies for Delays, etc.*

Recommendations of the Committee on Judicial Administration and Remedial Procedure to restrict the right of appeal from the courts of the District of Columbia to the United States Supreme Court. (Page 23.)

To urge the passage of bills regulating the judicial procedure of the courts of the United States, providing for the appointment of stenographers, and diminishing the expenses of proceedings on appeals and writs of error. (Page 84.)

*To Present to Congress Admiralty Bills.*

To urge upon Congress the passage of the bills recommended by the Committee on Commercial Law. (Pages 37,.38.)

## ANNUAL ADDRESSES

YEAR.	NAME.	SUBJECT.
1879.	EDWARD J. PHELPS.....	John Marshall.
1880.	CORTLANDT PARKER .....	Alexander Hamilton and William Paterson.
1881.	CLARKSON N. POTTER.....	Roger Brooke Taney.
1882.	ALEXANDER R. LAWTON.....	James Lewis Petigru and Hugh Swinton Legaré.
1883.	JOHN W. STEVENSON.....	James Madison.
1884.	JOHN F. DILLON.....	American Institutions and Laws.
1885.	GEORGE W. BIDDLE.....	An Inquiry into the Proper Mode of Trial.
1886.	THOMAS J. SEMMES.....	The Civil Law and Codification.
1887.	HENRY HITCHCOCK.....	General Corporation Laws.
1888.	GEORGE HOADLY .....	Codification.
1889.	SIMEON E. BALDWIN.....	The Centenary of Modern Government.
1890.	JAMES C. CARTER.....	The Ideal and the Actual in the Law.
1891.	ALFRED RUSSELL .....	Avoidable Causes of Delay and Uncertainty in our Courts.
1892.	J. RANDOLPH TUCKER.....	British Institutions and American Constitutions.
1893.	HENRY B. BROWN.....	The Distribution of Property.
1894.	MOORFIELD STOREY .....	The American Legislature.
1895.	WILLIAM H. TAFT.....	Recent Criticism of the Federal Judiciary.
1896.	LORD RUSSELL OF KILLOWEN, Lord Chief Justice of Eng- land .....	International Law and Arbitra- tion.
1897.	JOHN W. GRIGGS.....	Lawmaking.
1898.	JOSEPH H. CHOATE.....	Trial by Jury.
1899.	WILLIAM LINDSAY .....	Power of the United States to Acquire and Govern Foreign Territory.

YEAR.	NAME.	SUBJECT.
1900.	GEORGE R. PECK.....	The March of the Constitution.
1901.	CHARLES E. LITTLEFIELD.....	The Insular Cases.
1902.	JOHN G. CARLISLE.....	The Power of the United States to Acquire and Govern Terri- tory.
1903.	LE BARON B. COLT.....	Law and Reasonableness.
1904.	AMOS M. THAYER.....	The Louisiana Purchase; Its In- fluence and Development Un- der American Rule.
1905.	ALFRED HEMENWAY .....	The American Lawyer.
1906.	ALTON B. PARKER.....	The Congestion of Law.
1907.	RT. HON. JAMES BRYCE, British Ambassador to the United States .....	The Influence of National Char- acter and Historical Environ- ment on the Development of the Common Law.
1908.	GEORGE TURNER .....	The Acquisition of the Pacific Northwest.
1909.	AUGUSTUS E. WILLSON.....	The People and Their Law.

## PAPERS READ

YEAR.	NAME.	SUBJECT.
1879.	CALVIN G. CHILD.....	Shifting Uses, from the Standpoint of the Nineteenth Century.
1879.	HENRY HITCHCOCK .....	The Inviolability of Telegrams.
1879.	GEORGE A. MERCER.....	The Relationship of Law and National Spirit.
1880.	HENRY E. YOUNG.....	Sunday Laws.
1880.	GEORGE TUCKER BISPHAM....	Rights of Material Men and Employees of Railroad Companies as against Mortgagees.
1880.	HENRY D. HYDE.....	Extradition between the States.
1881.	THOMAS M. COOLEY.....	The Recording Laws of the United States.
1881.	SAMUEL WAGNER .....	The Advantages of a National Bankrupt Law.
1882.	GUSTAVE KOERNER .....	The Doctrine of Punitive Damages and its Effect on the Ethics of the Profession.
1882.	U. M. ROSE.....	Titles of Statutes.
1882.	THOMAS J. SEMMES.....	The Civil Law as Transplanted in Louisiana.
1883.	ROBERT G. STREET.....	How far Questions of Public Policy may enter into Judicial Decisions.
1883.	JOHN M. SHIRLEY.....	The Future of our Profession.
1883.	SIMEON E. BALDWIN.....	Preliminary Examinations in Criminal Proceedings.
1883.	SEYMOUR D. THOMPSON....	Abuses of the Writ of Habeas Corpus.
1884.	ANDREW ALLISON .....	The Rise and Probable Decline of Private Corporations in America.
1884.	M. DWIGHT COLLIER.....	Stock Dividends and their Restraint.

YEAR.	NAME.	SUBJECT.
1884.	SIMON STERNE .....	The Prevention of Defective and Slipshod Legislation.
1885.	RICHARD M. VENABLE.....	Partition of Powers between the Federal and State Governments.
1885.	REUBEN C. BENTON.....	The Distinction between Legislative and Judicial Functions.
1885.	FRANCIS RAWLE .....	Car Trust Securities.
1886.	JOHNSON T. PLATT.....	The Opportunity for the Development of Jurisprudence in the United States.
1886.	WILLIAM P. WELLS.....	The Dartmouth College Case and Private Corporations.
1886.	JOHN F. DILLON.....	Law Reports and Law Reporting.
1887.	HENRY JACKSON .....	Indemnity the Essence of Insurance; Causes and Consequences of Legislation qualifying this Principle.
1887.	JAMES K. EDSALL.....	The Granger Cases and the Police Power.
1888.	J. RANDOLPH TUCKER.....	Congressional Power over Interstate Commerce.
1888.	J. M. WOOLWORTH.....	Jurisprudence Considered as a Branch of the Social Science.
1889.	HENRY B. BROWN.....	Judicial Independence.
1889.	WALTER B. HILL.....	The Federal Judicial System.
1890.	HENRY C. TOMPKINS.....	The Necessity for Uniformity in the Laws Governing Commercial Paper.
1890.	DWIGHT H. OLNSTEAD.....	Land Transfer Reform.
1890.	JOHN F. DUNCOMBE.....	Election Laws.
1891.	FREDERICK N. JUDSON.....	Liberty of Contract under the Police Power.
1891.	W. B. HORNBLOWER.....	The Legal Status of the Indian.
1892.	JOHN W. CARY.....	Limitations of the Legislative Power in Respect to Personal Rights and Private Property.
1892.	WILLIAM L. SNYDER.....	The Problem of Uniform Legislation.
1893.	HENRY WADE ROGERS.....	The Treaty-Making Power.
1893.	W. W. MCFARLAND.....	The Evolution of Jurisprudence.

YEAR.	NAME.	SUBJECT.
1893.	U. M. ROSE.....	Trusts and Strikes.
1894.	HAMPTON L. CARSON.....	Great Dissenting Opinions.
1894.	CHARLES CLAFLIN ALLEN....	Injunction and Organized Labor.
1895.	WILLIAM WIRT HOWE.....	Historical Relation of the Roman Law to the Law of England.
1895.	RICHARD WAYNE PARKER....	The Tyrannies of Free Government, or the Modern Scope of Constitutional Guarantees of Liberty and Property.
1896.	JAMES M. WOOLWORTH.....	The Development of the Law of Contracts.
1896.	JOSEPH B. WARNER.....	The Responsibilities of the Lawyer.
1896.	MONTAGUE CRACKANTHORPE, of the English Bar.....	The Uses of Legal History.
1897.	ROBERT MATHER .....	Constitutional Construction and the Commerce Clause.
1897.	EUGENE WAMBAUGH .....	The Present Scope of Government.
1898.	LYMAN D. BREWSTER.....	Uniform State Laws.
1898.	L. C. KRAUTHOFF.....	Malice as an Ingredient of a Civil Cause of Action.
1899.	EDWARD Q. KEASBEY.....	New Jersey and the Great Corporations.
1899.	SIR WM. RANN KENNEDY, Judge of the English High Court .....	The State Punishment of Crime.
1900.	EDWARD AVERY HARRIMAN...	<i>Ultra Vires</i> Corporation Leases.
1900.	JOHN BASSETT MOORE.....	A Hundred Years of American Diplomacy.
1900.	RICHARD M. VENABLE.....	Growth or Evolution of Law.
1901.	RICHARD C. DALE.....	Implied Limitations upon the Exercise of the Legislative Power.
1901.	HENRY D. ESTABBOOK.....	The Lawyer, Hamilton.
1901.	CHARLES J. HUGHES, JR.....	The Evolution of Mining Law.
1901.	PLATT ROGERS .....	The Law of New Conditions— Illustrated by the Law of Irrigation.
1902.	M. D. CHALMERS, Parliamentary Counsel to the Treasury (England)..	Codification of Mercantile Law.



YEAR.	NAME.	SUBJECT.
1902.	AMASA M. EATON.....	The Origin of Municipal Incorporation in England and in the United States.
1902.	EMLIN MCCLAIN .....	The Evolution of the Judicial Opinion.
1903.	SIR FREDERICK POLLOCK, of the English Bar.....	English Law Reporting.
1903.	WILLIAM A. GLASGOW, JR....	A Dangerous Tendency of Legislation.
1904.	J. M. DICKINSON.....	The Alaskan Boundary Case.
1904.	BENJAMIN F. ABBOTT.....	To what Extent will a Nation Protect its Citizens in Foreign Countries?
1905.	RICHARD LOCKHART HAND....	Government by the People.
1906.	ROSCOE POUND .....	The Causes of Popular Dissatisfaction with the Administration of Justice.
1906.	JOHN J. JENKINS.....	Can Congress Transfer to the States its Power to Regulate Commerce?
1906.	THOMAS J. KERNAN.....	The Jurisprudence of Lawlessness.
1906.	GEORGE B. DAVIS.....	Some Recent Progress in International Law.
1907.	CHARLES F. AMIDON.....	The Nation and the Constitution.
1907.	CHARLES A. PROUTY.....	A Fundamental Defect in the Act to Regulate Commerce.
1908.	CORNELIUS H. HANFORD.. .	National Progression and the Increasing Responsibilities of Our National Judiciary.
1908.	EDGAR H. FARRAR....	The Extension of the Admiralty Jurisdiction by Judicial Interpretation.
1908.	FREDERICK BAUSMAN .....	Are Our Laws Responsible for the Increase of Violent Crime?
1909.	GEORGES BARBEY .....	French Family Law. .
1909.	JULIAN W. MACK.....	Juvenile Courts.
1909.	WILLIAM L. CARPENTER.....	Courts of Last Resort.

## PAPERS READ

### SECTION OF LEGAL EDUCATION

YEAR.	NAME.	SUBJECT.
1893.	AUSTIN ABBOTT .....	Existing Questions of Legal Education.
1893.	SAMUEL WILLISTON .....	Legal Education.
1893.	EMLIN MCCLAIN .....	The Best Method of Using Cases in Teaching Law.
1894.	HENRY WADE ROGERS.....	Annual Address as Chairman.
1894.	JOHN F. DILLON.....	The True Professional Ideal.
1894.	JOHN D. LAWSON.....	Some Standards of Legal Education in the West.
1894.	SIMEON E. BALDWIN.....	Law School Libraries, and How to Use Them.
1894.	WOODBOW WILSON .....	Legal Education of Undergraduates.
1894.	JOHN H. WIGMORE.....	A Principal of Orthodox Legal Education.
1894.	EDMUND WETMORE .....	Some of the Limitations and Requirements of Legal Education in the United States.
1894.	WILLIAM A. KEENER.....	The Inductive Method in Legal Education.
1895.	JAMES B. THAYER.....	Address as Chairman, on The Teaching of English Law at Universities.
1895.	ERNEST W. HUFFCUT.....	The Relation of the Law School to the University.
1895.	DAVID J. BREWER.....	A Better Education the Great Need of the Profession.
1895.	LYMAN ABBOTT .....	The Relation of Law to Our National Development.
1895.	NATHAN S. DAVIS.....	The Importance of the Study of Medical Jurisprudence by Students of Law, and the Extent to which it should be Taught in Schools and Colleges for the Education of such Students.

YEAR.	NAME.	SUBJECT.
1896.	EMLIN McCLAIN.....	Address as Chairman, on The Law Curriculum.
1896.	CHARLES M. CAMPBELL.....	The Necessity and Importance of the Study of Common-Law Procedure in Legal Education.
1896.	BLEWETT LEE .....	Teaching Practice in Law Schools.
1896.	JAMES FAIRBANKS COLBY....	The Collegiate Study of Law.
1896.	AUSTEN G. FOX.....	Two Years' Experience of the New York State Board of Law Examiners.
1896.	J. W. POWELL.....	On Primitive Institutions.
1896.	JOHN RANDOLPH TUCKER....	What is the Best Training for the American Bar of the Future?
1896.	GEORGE HENRY EMMOTT....	Legal Education in England.
1897.	HENRY E. DAVIS.....	Primitive Legal Conceptions in Relation to Modern Law.
1897.	JOHN A. FINCH.....	The Law of Insurance in the Law School.
1897.	CHARLES NOBLE GREGORY....	The Wage of the Law Teacher.
1898.	SIMEON E. BALDWIN.....	Address as Chairman, on the Re-adjustment of the Collegiate to the Professional Course.
1898.	EDWARD A HARRIMAN.....	Educational Franchises.
1898.	CHARLES W. NEEDHAM.....	Schools of Law: The Subjects, Order and Method of Study.
1899.	WILLIAM WIET HOWE.....	Address as Chairman, on The Study of Comparative Jurisprudence.
1899.	THOMAS BARCLAY .....	The Teaching of the Law in France.
1899.	N. W. HOYLES, Q. C.....	Legal Education in Canada.
1899.	JOSEPH WALTON, Q. C.....	Notes on the Early History of Legal Studies in England.
1900.	CHARLES NOBLE GREGORY....	Address as Chairman, on the State of Legal Education in the World.
1900.	HARRY B. HUTCHINS.....	The Law School as a Factor in University Education.

728 PAPERS READ. SECTION OF LEGAL EDUCATION.

YEAR.	NAME.	SUBJECT.
1900.	WILLIAM DRAPER LEWIS.....	The Proper Preparation for the Study of Law.
1901.	NATHAN ABBOTT .....	The Undergraduate Study of Law.
1901.	CLARENCE D. ASHLEY.....	Legal Education and Preparation Therefor.
1901.	RALEIGH C. MINOR.....	The Graduating Examination in the Law School.
1901.	HARRY SANGER RICHARDS....	Shall Law Schools Give Credit for Office Study?
1901.	WILLIAM P. ROGERS.....	Is Law a Field for Woman's Work?
1902.	ERNEST W. HUFFCUT.....	A Decade of Progress in Legal Education.
1902.	HENRY S. REDFIELD.....	A Defect in Legal Education.
1902.	FRANKLIN M. DANAHER.....	Courses of Study for Law Clerks
1903.	LAWRENCE MAXWELL, JR.....	Examinations for the Bar.
1903.	JAMES B. SCOTT.....	The Place of International Law in Legal Education.
1904.	JAMES BARR AMES.....	Address as Chairman; Reviewing the actions on legal education of the Association, the Committees on Legal Education and the Section of Legal Education, since 1879.
1904.	GEORGE W. KIRCHWEY.....	The Education of the American Lawyer.
1905.	LAWRENCE MAXWELL, JR.....	Address as Chairman; Advocating a higher standard of general education for admission to the Bar.
1905.	NATHAN ABBOTT .....	Some Questions before American Law Schools.
1905.	JAMES PARKER HALL.....	Practice Work and Elective Studies in the Law School.
1905.	LUCIEN H. ALEXANDER.....	Some Admission Requirements Considered Apart from Educational Standards.
1906.	WILLIAM DRAPER LEWIS....	Address as Chairman; Legal Education and the Failure of the Bar to Perform its Public Duties.

YEAR.	NAME.	SUBJECT.
1906	EUGENE A. GILMORE.....	The Relation of the University to Professional Instruction in Law.
1906.	MARK NORRIS .....	Some Notions about Legal Education.
1906.	GEORGE W. WALL.....	The State Bar Examiner and the Law School.
1907.	ROSCOE POUND .....	Address as Chairman; The Need of a Sociological Jurisprudence.
1907.	WILLIAM R. VANCE.....	Legal Education in the South.
1908.	SAMUEL WILLISTON .....	Address as Chairman; The Necessity of Idealism in Teaching Law.
1908.	WILLIAM SCHOFIELD .....	The Relation of the Law Schools to the Courts.
1908.	KARL VON LEWINSKI.....	The Education of a German Lawyer.
1908.	ANDREW A. BRUCE.....	The Relation of the Bar Examiner to the Law School and Legal Education.
1909.	HARRY S. RICHARDS.....	Address as Chairman: Neglected Phases of Legal Education.
1909.	FRANKLIN M. DANAHER.....	Some Suggestions for Standard Rules for Admission to the Bar.
1909.	JAMES PARKER HALL.....	The Study of Law by Correspondence.

## PAPERS READ

### SECTION OF PATENT LAW

YEAR.	NAME.	SUBJECT.
1895.	R. S. TAYLOR.....	Patent Law and Practice.
1899.	JAMES H. RAYMOND.....	Address as Chairman.
1899.	LESTER L. BOND.....	Preliminary Injunctions.
1899.	FREDERICK P. FISH.....	The Conditions under which Preliminary Injunctions in Patent Causes should be Granted or Refused.
1899.	E. B. SHERMAN.....	Masters in Chancery.
1899.	ARTHUR STEUART .....	What Constitutes Invention in the Sense of the Patent Law.
1899.	ROBERT S. TAYLOR.....	Shall There be One or More Special Courts of Last Resort in Patent Causes.
1900.	FREDERICK P. FISH.....	Address as Chairman.
1900.	LYSANDER HILL .....	Unfair Competition in Trade.
1900.	ARTHUR STEUART .....	Copyright for Design.
1902.	LESTER L. BOND.....	Address as Chairman.
1902.	ARTHUR P. GREELEY.....	Pending Trade-Mark Legislation.
1902.	ARTHUR STEUART .....	Trade Marks: Criminal Remedy.
1902.	LYSANDER HILL .....	Preliminary Injunction in Patent Suits.
1902.	HAROLD BINNEY .....	History and Present Status of the Law Relating to Designs.
1902.	ARTHUR S. BROWNE.....	Patent Litigation from the Expert's Standpoint.
1902.	CHARLES MARTINDALE .....	Evils of the Present System of Producing Evidence in Equity Causes and a Remedy Therefor.
1902.	MELVILLE CHURCH .....	Is the Entire Jurisdiction of the Circuit Courts in the Matter of Suits for the Infringement of Patents Defined by the Act of March 3, 1897?

YEAR.	NAME.	SUBJECT.
1903.	ROBERT H. PARKINSON.....	Concerning Federal Trade-Mark Legislation: Its Needs, Whence and What the Power.
1903.	J. NOTA MCGILL.....	Liability of Officers of a Corporation for Infringement of a Patent.
1904.	EDMUND WETMORE .....	Address as Chairman, on Some Suggestions as to Reform in Practice and Procedure in Patent Cases in the Federal Courts.
1904.	WILLIAM W. DODGE.....	A Brief Review of Legislation Proposed at the Latest Session of Congress Pertinent to Patents and Trade-Marks.
1905.	CHARLES H. DUELL.....	Are any changes Desirable in Our Patent System?
1905.	JOSEPH B. CHURCH.....	Needed Reforms in Interference Practice.
1906.	OTTO R. BARNETT.....	The Evolution of the Law of Unjust Trade and Unfair Competition.
1907.	ARTHUR STEUART .....	Common Law Copyright.
1908.	WALLACE R. LANE .....	Certain Phases of the Prima Facie Rights of the Patentee.
1908.	J. NOTA MCGILL.....	Abolition of Interference Causes in the Patent Office.
1908.	DOUGLAS DYRENFORTH .....	The Law's Promise to the Patentee and Its Fulfillment.
1909.	JOHN W. HILL.....	Looking Forward.

PAPERS READ  
COMPARATIVE LAW BUREAU

YEAR.	NAME.	SUBJECT.
1908.	SIMEON E. BALDWIN.....	Address as Director: Current Events in World-Legislation and World-Jurisprudence.
1909.	SIMEON E. BALDWIN.....	Address as Director.



## PAPERS READ

### ASSOCIATION OF AMERICAN LAW SCHOOLS

YEAR.	NAME.	SUBJECT.
1902.	JOSEPH H. BEALE, JR.....	The First Year Curriculum of Law Schools.
1903.	SIMEON E. BALDWIN.....	The Study of Elementary Law, a Necessary Stage in Legal Education.
1903.	WILLIAM S. CURTIS.....	Examinations in Law Schools.
1904.	ERNEST W. HUFFCUT.....	Address as President, on The Elective System in Law Schools.
1904.	HARRY S. RICHARDS.....	Entrance Requirements for Law Schools.
1905.		(Joint meeting with Section of Legal Education.)
1906.	HENRY WADE ROGERS.....	Address as President, on Law Schools and Admission to the Bar in the South, and Law Degrees.
1906.	FLOYD R. MECHEM.....	The Opportunities and Responsibilities of American Law Schools.
1907.	WILLIAM P. ROGERS.....	Address as President, on the Elevation of the Standard of Admission to the Bar; Courses in Preliminary College Work, and the Honor System.
1907.	ALBERT M. KALES.....	The Next Step in the Evolution of the Case Book.
1908.	GEORGE W. KIRCHWEY.....	Address as President, on American Law and the American Law School.
1908.	DAVID STARR JORDAN.....	The University, the College and the School of Law.
1909.	CHARLES NOBLE GREGORY....	Address as President: The Past and Present of the Association of American Law Schools.

**734 PAPERS READ. ASSOCIATION OF AMERICAN LAW SCHOOLS.**

<b>YEAR.</b>	<b>NAME.</b>	<b>SUBJECT.</b>
1909.	HAROLD D. HAZELTINE.....	Legal Education in England.
1909.	JOHN H. WIGMORE and FREDERIC B. CROSSLEY....	A Statistical Comparison of College and High School Education as a Preparation for Legal Scholarship.
1909.	HARRY PRATT JUDSON.....	Education Preparatory to a University Law School Course.

# PAPERS READ

## CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS

YEAR.	NAME.	SUBJECT.
1904.	AMASA M. EATON.....	Address as President, on the Negotiable Instruments Law, The Torrens System, Uniform Partnership Act, Marriage and Divorce Laws.
1904.	HORACE L. WILGUS.....	Should there be a Federal Incorporation Law for Commercial Corporations?
1905.	AMASA M. EATON.....	Address as President, on Marriage and Divorce Laws, Desertion and Non-Support Laws, and the Negotiable Instruments Law.
1906.	AMASA M. EATON.....	Address as President, on Recent Changes in the Statute Laws of the States Promoting Uniformity of Legislation; Uniform Divorce Law, and Decisions on the Negotiable Instruments Law.
1907.	AMASA M. EATON.....	Address as President, on The National Congress on Uniform Divorce Laws, and Decisions on the Negotiable Instruments Law.
1908.	AMASA M. EATON.....	Address as President, on the Constitutionality of the Uniform Bills of Lading Act; on Uniform Law Reporting and Decisions on the Negotiable Instruments Law.
1909.	AMASA M. EATON.....	Address as President, on the Attitude of the Bench and Bar towards the Negotiable Instruments Law.

PAPERS READ  
CONFERENCE OF STATE BOARDS OF LAW  
EXAMINERS

YEAR.	NAME.	SUBJECT.
1904.	LUCIUS H. PERKINS.....	The State Board—A Landmark in Lawyer-Making.
1904.	HOLLIS R. BAILEY.....	Practical Suggestions for the Conduct of Bar Examinations.
1904.	W. E. WALZ.....	The Bar Examination from the Standpoint of the Law School Student.

OFFICERS OF  
SECTION OF LEGAL EDUCATION  
1909-1910.

WILLIAM O. HART, *Chairman*,  
New Orleans, Louisiana.

CHARLES M. HEPBURN, *Secretary*.  
Indiana University, Bloomington, Indiana.

FORMER OFFICERS.

1893-94—HENRY WADE ROGERS, *Chairman*.

GEORGE M. SHARP, *Secretary*.

1894-95—\*JAMES BRADLEY THAYER, *Chairman*.

GEORGE M. SHARP, *Secretary*.

1895-96—EMLIN MCCLAIN, *Chairman*.

GEORGE M. SHARP, *Secretary*.

1896-97—\*EDWARD J. PHELPS, *Chairman*.

GEORGE M. SHARP, *Secretary*.

1897-98—SIMEON E. BALDWIN, *Chairman*.

GEORGE M. SHARP, *Secretary*.

1898-99—\*WILLIAM WIRT HOWE, *Chairman*.

GEORGE M. SHARP, *Secretary*.

1899-00—CHARLES NOBLE GREGORY, *Chairman*.

GEORGE M. SHARP, *Secretary*.

1900-01—HARRY B. HUTCHINS, *Chairman*.

GEORGE M. SHARP, *Secretary*.

1901-02—\*ERNEST W. HUFFCUT, *Chairman*.

CHARLES M. HEPBURN, *Secretary*.

1902-03—GEORGE W. KIRCHWEY, *Chairman*.

CHARLES M. HEPBURN, *Secretary*.

1903-04—JAMES BARR AMES, *Chairman*.

CHARLES M. HEPBURN, *Secretary*.

1904-05—LAWRENCE MAXWELL, JR., *Chairman*.

CHARLES M. HEPBURN, *Secretary*.

1905-06—WILLIAM DRAPER LEWIS, *Chairman*.

CHARLES M. HEPBURN, *Secretary*.

1906-07—ROSCOE POUND, *Chairman*.

CHARLES M. HEPBURN, *Secretary*.

1907-08—SAMUEL WILLISTON, *Chairman*.

CHARLES M. HEPBURN, *Secretary*.

1908-09—HARRY S. RICHARDS, *Chairman*.

CHARLES M. HEPBURN, *Secretary*.

\* Deceased.

OFFICERS OF  
SECTION OF PATENT, TRADE-MARK AND COPYRIGHT  
LAW

1909-1910.

ROBERT S. TAYLOR, *Chairman*,  
Indianapolis, Indiana.

OTTO R. BARNETT, *Secretary*,  
1515 Monadnock Building, Chicago, Illinois.

FORMER OFFICERS.

1894-98—EDMUND WETMORE, *Chairman*.

WILMARTH H. THURSTON, *Secretary*.

1898-99—\*JAMES H. RAYMOND, *Chairman*.

ARTHUR STEUART, *Secretary*.

1899-01—FREDERICK P. FISH, *Chairman*.

ARTHUR STEUART, *Secretary*.

1901-03—\*LESTER L. BOND, *Chairman*.

MELVILLE CHURCH, *Secretary*.

1903-04—EDMUND WETMORE, *Chairman*.

MELVILLE CHURCH, *Secretary*.

1904-05—ROBERT S. TAYLOR, *Chairman*.

MELVILLE CHURCH, *Secretary*.

1905-06—ROBERT S. TAYLOR, *Chairman*.

MELVILLE CHURCH, *Secretary*.

1906-07—ROBERT S. TAYLOR, *Chairman*.

MELVILLE CHURCH, *Secretary*.

1907-08—ROBERT S. TAYLOR, *Chairman*.

OTTO R. BARNETT, *Secretary*.

1908-09—ROBERT S. TAYLOR, *Chairman*.

OTTO R. BARNETT, *Secretary*.

\* Deceased.

OFFICERS OF  
ASSOCIATION OF AMERICAN LAW SCHOOLS

1909-1910.

JOHN C. TOWNES, *President*,  
Austin, Texas.

WILLIAM R. VANCE, *Secretary-Treasurer*,  
George Washington University, Washington, D. C.

FORMER OFFICERS.

1900-01—\*JAMES BRADLEY THAYER, *President*.

\*ERNEST W. HUFFCUT, *Secretary-Treasurer*.

1901-02—EMLIN MCCLAIN, *President*.

\*ERNEST W. HUFFCUT, *Secretary-Treasurer*.

1902-03—SIMEON E. BALDWIN, *President*.

\*ERNEST W. HUFFCUT, *Secretary-Treasurer*.

1903-04—\*ERNEST W. HUFFCUT, *President*.

WILLIAM P. ROGERS, *Secretary-Treasurer*.

1904-05—NATHAN ABBOTT, *President*.

WILLIAM P. ROGERS, *Secretary-Treasurer*.

1905-06—HENRY WADE ROGERS, *President*.

WILLIAM P. ROGERS, *Secretary-Treasurer*.

1906-07—WILLIAM P. ROGERS, *President*.

WILLIAM R. VANCE, *Secretary-Treasurer*.

1907-08—GEORGE W. KIRCHWEY, *President*.

WILLIAM R. VANCE, *Secretary-Treasurer*.

1908-09—CHARLES NOBLE GREGORY, *President*.

WILLIAM R. VANCE, *Secretary-Treasurer*.

OFFICERS OF THE  
CONFERENCE OF STATE BOARDS OF LAW EXAMINERS

† 1904-1905.

L. J. NASH, *Temporary Chairman*,  
Manitowoc, Wisconsin.

\*LUCIUS H. PERKINS, *Temporary Secretary*.  
Lawrence, Kansas.

\* Deceased.

† No session held in 1905, 1906, 1907, 1908 or 1909.

OFFICERS OF  
CONFERENCE OF COMMISSIONERS ON UNIFORM  
STATE LAWS

1909-1910.

WALTER GEORGE SMITH, *President*,  
Philadelphia, Pa.

PETER W. MELDRIM, *Vice-President*,  
Savannah, Georgia.

CHARLES THADDEUS TERRY, *Secretary*,  
100 Broadway, New York, New York.

FRANCIS A. HOOVER, *Assistant Secretary*,  
1004 Mercantile Library Building, Cincinnati, Ohio.

TALCOTT H. RUSSELL, *Treasurer*,  
42 Church Street, New Haven, Connecticut.

FORMER OFFICERS.

The first Conference of Commissioners on Uniform State Laws was held at Saratoga Springs, New York, in August, 1892; the second at New York, New York, in November, 1892. Since then the Conference has been held annually at the place of and immediately preceding the meeting of the American Bar Association.

*Presidents.*

†1896-1900—\*LYMAN D. BREWSTER.....Danbury, Connecticut.  
1901-1909—AMASA M. EATON.....Providence, Rhode Island.  
1909- —WALTER GEORGE SMITH....Philadelphia, Pennsylvania.

*Secretaries.*

1895-1898—FREDERIC J. STIMSON.....Boston, Massachusetts.  
1898-1906—ALBERT E. HENSCHER.....New York, New York.  
1906- —CHARLES THADDEUS TERRY.New York, New York.

*Assistant Secretaries.*

1896-1898—ALBERT E. HENSCHER.....New York, New York.  
1898-1905—J. MOSS IVES.....Danbury, Connecticut.  
1905-1906—GLEN DENNING B. GROESBECK, Cincinnati, Ohio.  
1906-1907—BUCHANAN PERIN .....Cincinnati, Ohio.  
1907- —FRANCIS A. HOOVER.....Cincinnati, Ohio.

\* Deceased.

† Prior to 1896 the Conference was presided over by a Chairman.



# PROCEEDINGS

## OF THE

### SECTION OF LEGAL EDUCATION

The Section of Legal Education met in the County Building, Detroit, Michigan, on Tuesday, August 24, 1909, at 3 P. M., and was called to order by the Chairman, Harry S. Richards, Dean of the College of Law, University of Wisconsin.

The Chairman delivered the annual address as Chairman of the Section.

*(The Address follows these Minutes, page 777.)*

The Chairman:

The next order of business is the report of the Committee on Standard Rules for Admission to the Bar.

The report was read by Lucien Hugh Alexander, of Pennsylvania, Chairman.

*(The Report follows these Minutes, page 768.)*

The Chairman:

We will now hear a paper by Judge Franklin M. Danaher, Secretary of the New York State Board of Law Examiners, upon "Some Suggestions for Standard Rules for Admission to the Bar."

Franklin M. Danaher, of New York, then read his paper.

*(The Paper follows these Minutes, page 784.)*

The Chairman:

As a Committee on Nominations for the ensuing year, I will appoint Hollis R. Bailey, of Massachusetts; Horace L. Wilgus, of Michigan, and Edward W. Hinton, of Missouri.

We will now listen to an address by James Parker Hall, Dean of the University of Chicago Law School, upon "The Study of Law by Correspondence."

James Parker Hall, of Illinois, then read his paper.

*(The Paper follows these Minutes, page 798.)*

Franklin M. Danaher, of New York:

I move the adoption of the following resolution:

That the Committee on the Standard Rules for Admission to the Bar be continued, and directed to send a copy of its report to all members of State Boards of Bar Examiners, with a request for suggestions and criticisms; and that prior to May 1, 1910, the committee submit a copy of its preliminary draft of the rules to each member of the American Bar Association, to the Chief Justice of each state appellate court, to each State Board of Bar Examiners, and to the dean of each law school in the Association of American Law Schools, with a request for criticisms and suggestions; that the committee prepare and present its final report at the meeting of this Section in 1910, in the light of the replies received.

The resolution was seconded.

Henry H. Ingersoll, of Tennessee:

I move to amend the resolution by providing that a copy of the draft be sent to the deans of all law schools, whether they are members of the Association of American Law Schools or not.

Franklin M. Danaher, of New York:

I accept the amendment.

The resolution was then adopted.

Lucien Hugh Alexander, of Pennsylvania:

The committee would be very glad to have expressions of opinion from the members present upon the various propositions submitted in the report of the committee. Therefore, in order to bring the matter regularly before the Section, I move that Proposition 1 be tentatively approved.

If this course is adopted, I will make the same motion with reference to each of the propositions. By tentative approval the committee does not mean to suggest that the Section should bind the committee so that in its subsequent report it may not, in the light of suggestions received, vary from the action taken today, but that the tentative approval will represent the present

impression of those present at this meeting upon the propositions.

With this explanation, and if this procedure meets the pleasure of the Section, I move that Proposition 1 be approved, to wit:

*The candidate on admission shall be a citizen of the United States.*

The motion was seconded.

Hollis R. Bailey, of Massachusetts:

In Massachusetts, for many years, we have not had that requirement. I think that as far back as 1854 a statute was passed allowing aliens who had filed their first papers to become members of the Bar, and we have worked under that statute ever since, and have admitted a good many men who had filed their first papers, but had not become naturalized citizens. We have now an application from a candidate who filed his first papers some fifteen years ago. He is eligible to be admitted under our statute. But, for a uniform law, I was glad in committee to vote in favor of the rule that a candidate must be a citizen of the United States on admission. I think that such a requirement is not too severe, and that on the whole the experience of our board in Massachusetts would lead its members to approve it.

John H. Wigmore, of Illinois:

An extremely harsh case of this particular kind has come to my notice lately, and I have had occasion to reflect upon it. I think that in the case of cities including from fifty to one hundred thousand Poles, Italians, Germans, and other foreign nationalities, we all realize that there are great abuses under our law. For instance, in every Italian district the people do not go to our courts. They have padrones who do their entire law business. There is a king of Little Italy in Chicago who keeps them all out of the courts. One reason for this is that when you do not permit an adult alien to become a member of the Bar, you make those people obtain their legal advice from shysters who cannot get admitted, and who deprive them of the advice of good men who have not yet become citizens because

of our rules; and while the theory of this is ennobling and particularly American, it seems to me it is nothing but a theory, and that we had better recognize cosmopolitan conditions, and for the sake of a theory not have a rule which would prevent us in the next twenty years from doing a little more justice to our great foreign population.

Ronald Scott Kellie, of Michigan:

I think it a very strange thing that anyone who wishes to be admitted to the practice of law should object to becoming a citizen of the United States. It is such an absurdity that I should think a man who refuses American citizenship ought not to present himself for admission to the Bar.

James Parker Hall, of Illinois:

It takes quite a long time to become an American citizen, but if this proposition were amended so that a candidate who had taken out his first papers could be admitted, I think it would be all right.

Ronald Scott Kellie, of Michigan:

He can do that in twenty minutes after he lands.

James Parker Hall, of Illinois:

I think the point that Professor Wigmore makes is well taken. I think something less than five years ought to be required.

Ronald Scott Kellie, of Michigan:

We do not want any persons to become officers of our courts and administer justice unless they first become American citizens. If we have got to live here twenty-one years before we are entitled to the privileges of citizenship, I certainly protest against any foreigner exercising those privileges until he shall have first become a citizen.

James Parker Hall, of Illinois:

Is not that largely a matter of sentiment?

Franklin M. Danaher, of New York:

If the gentleman will permit me to answer, I say that it is not a matter of sentiment at all. It is a matter of patriotism, and a national and political question.

James Parker Hall, of Illinois:

I can see how it may perhaps be a political question.

Franklin M. Danaher, of New York:

A man should not be allowed to come to this country and become a member of our Bar without first swearing allegiance to our flag. I agree with the gentleman from Michigan that it is absurd to adopt such a proposition.

James Parker Hall, of Illinois:

I do not admit its absurdity.

Lucien Hugh Alexander, of Pennsylvania:

It occurs to me that some of these questions are not of very great moment, and that if we take up each point and vote upon it without debate, and then, after we have completed the list, return to such points as may be opposed by one-third of the members, we may then get something practical for the use of the committee. I, therefore, move that we vote without debate on each proposition *seriatim*, and that we debate afterwards those propositions upon which more than one-third of those present vote in the negative.

Albert M. Kales, of Illinois:

I move as a substitute for this motion, that the whole list of suggestions or propositions be open to discussion by the Section in any order in which any one may choose to take them up.

Lucien Hugh Alexander, of Pennsylvania:

On behalf of the committee I am willing to accept the substitute.

The substitute motion was seconded, but upon a vote being taken was lost.

The Chairman:

The question now before the Section is the motion as originally made by Mr. Alexander, that the propositions be taken up *seriatim* and discussed, and a vote taken upon each of them.

Lem Banks, of Tennessee:

As an amendment to that motion, I move that as each section is read it be taken as approved, unless objection is made.

Lucien Hugh Alexander, of Pennsylvania:

I accept that.

The motion was carried.

The Chairman:

The Secretary will now read the propositions.

The Secretary (reading):

*"1. The candidate shall on admission be a citizen of the United States."*

Alfred Hayes, Jr., of New York:

Unless some cogent reason is presented why a member of the Bar should be a citizen, I shall vote against this rule in its entirety. If we admit teachers and professors from foreign universities, like Oxford and Cambridge, why have this rule? We have in the law school at Cornell University a very able man as librarian, who is not an American citizen. Unless there is some very good reason for this proposition, I shall vote against it.

There being no further discussion, the motion was carried and the rule approved.

The Secretary (reading):

*"2. He shall also be a citizen of the state in which he is applying for admission, or prove that it is his intention to maintain an office therein for the practice of the law."*

Andrew A. Bruce, of North Dakota:

I suggest that the word "personally" be inserted before the word "to" at the end of the second line.

Lucien Hugh Alexander, of Pennsylvania:

On behalf of the committee I accept that amendment.

James Parker Hall, of Illinois:

Does that mean that a man may personally maintain two offices if he pleases?

Franklin M. Danaher, of New York:

Certainly.

The motion was carried, and the rule as amended approved.

The Secretary (reading) :

*" 3. Character credentials on application for admission shall include the certificates of three responsible citizens, two of whom shall be members of the Bar, and the certificates shall set forth how long a time, when, and under what circumstances those giving the same have known the candidate."*

Franklin M. Danaher, of New York :

That seems to provide that before a young man can begin the study of law he shall have a certificate of character.

Lucien Hugh Alexander, of Pennsylvania :

No, this proposition relates only to an application for admission.

Franklin M. Danaher, of New York :

If that is the understanding, then I have nothing to say upon that point. I move, however, to amend the rule by striking out the word "certificate," and inserting the word "affidavit."

Lucien Hugh Alexander, of Pennsylvania :

On behalf of the committee, I accept that amendment.

The motion was carried, and the rule as amended was approved.

The Secretary (reading) :

*" 4. The lawyer on admission shall be designated attorney and counsellor, and not merely attorney."*

Albert M. Kales, of Illinois :

The proposition as stated seems to touch a vital difficulty in this question of requirements for admission to the Bar. I have noticed today a constant tendency towards higher requirements on the one hand, and also a tendency in the opposite direction. It seems to me that when you examine the necessary divisions of practice at the Bar, you will find that there is one standard of requirement for one kind of practice, and a more difficult standard for another kind. In other words, as long as a member of the Bar is an attorney in the ancient sense of that word, a man who seldom if ever handles litigated problems in the courts, he may have a much more meager legal education than a man towards whom you look to conduct the great litigated problems

of a large and important community. It seems to me, therefore, that this rule binds the American Bar Association to the general levelling proposition that there shall be no difference whatever between men who are mere practitioners at the Bar and those who practise as advocates.

While it is not possible to do anything finally in the formulation of these rules today, this suggestion should receive some consideration, and admission to the Bar as an attorney merely might well be had upon a lesser legal requirement than the subsequent admission as counsellor at law; and I would vote against this rule on the ground that a possible distinction along this line should be worked out.

Ronald Scott Kellie, of Michigan:

I would like a little information from the Chairman of the Committee. Is his idea that the certificate granted to the applicant shall indicate that, by merely calling him "attorney and counsellor"?

Lucien Hugh Alexander, of Pennsylvania:

The thought of the committee is that the certificate of admission should set forth that the candidate is admitted as an attorney and counsellor; in fact, that there ought not to be any distinction at the Bar in America between an "attorney" and "counsellor."

Ronald Scott Kellie, of Michigan:

That would hardly answer in this state. It might possibly meet the requirements in those states where the distinction between law and chancery is obliterated; where one can go into court with a paper called a declaration on an assault and battery case, or on a collision between a cow and a railroad, or perhaps it would fill the bill in a suit in assumpsit; but in Michigan, if one went into a court of chancery and signed himself "attorney," it would be a matter of remark, and he would be considered either as forgetting what he was, or else as forgetting the court in which he was.

As I recall my certificates, one of them is "attorney and counsellor, and solicitor and counsellor in chancery." That is



in the state court. In the federal court my certificate includes all of these, together with "and proctor in admiralty." So it is in the Court of Appeals, but in the Supreme Court the certificate does not include the words "proctor in admiralty."

Would not this create an unnecessary situation? Would it not be just as well to omit the characterization and let the court which admits the candidate designate him as all other officers of the court are designated? Certainly a candidate would not be designated in Michigan as "attorney and counsellor." While it may not be a matter of much importance, yet it would, I think, meet every thought of the committee if we leave out that characterization; or you might add "attorney and counsellor, solicitor and counsellor in chancery," because that is what the candidate really becomes. Of course, we know that in some cases an attorney does not go into court at all. In this country "attorney" covers pretty much the whole scope, but the lawyer is designated in those different ways.

Lucien Hugh Alexander, of Pennsylvania:

As I recall, the only state in the union which at the present time makes a distinction between "attorney" and "counsellor" is New Jersey. In presenting this proposition the committee merely desired to indicate its judgment that there ought not to be a distinction between the two in standard rules for admission to the Bar. The committee did not go into the question of whether or not the rules should indicate also that a candidate was admitted as a proctor in admiralty. It merely wished to bring before the Section the one point concerning "attorney" and "counsellor"; but later the committee will no doubt report on the various points raised.

The Chairman:

Is there anything under the rule to prevent the subsidiary titles being conferred anyway?

Lyman J. Nash, of Wisconsin:

In Wisconsin any such designation as "solicitor" is unknown. How could the Board of Examiners, on admitting an attorney to practice, give him a title that is unknown to the state? I think Minnesota is in the same category.

The Chairman:

He is not to be known as solicitor; he is to be known as "attorney and counsellor," according to the proposition of the committee.

Upon being put to a vote, the motion was lost, and the rule was not approved.

The Secretary (reading):

*" 5. Three years' practice in states having substantially equivalent requirements for admission to the Bar shall be sufficient in the case of lawyers from other jurisdictions applying for admission on grounds of comity."*

On motion, the rule was approved.

The Secretary (reading):

*" 6. There is no necessity for the insertion in the rules of a reciprocal comity provision; that is, of a proviso prohibiting the admission of lawyers from other states on grounds of comity, unless the state from which the lawyer comes extends similar courtesies to lawyers from the Bar of the state in which the candidate is applying for admission."*

On motion, the rule was approved.

The Secretary (reading):

*" 7. Students shall be officially registered at the commencement of their course of preparation for the Bar, upon report of the State Board as to fitness. The board's report shall be based upon its inspection of the candidate's credentials establishing that he has passed the required academic examination. The registration shall be with the clerk of the highest appellate court. A candidate removing from a jurisdiction having similar standards for registration may have the registration transferred. Nunc pro tunc registration may be permitted according to the present New York practice, which allows such registration only when the candidate had the requisite education at the date as of which he desires to be registered, and in a case where there has been no laches on his part."*

Franklin M. Danaher, of New York:

Is it in the minds of the committee that the state board shall report as to the fitness of candidates? I do not believe that the State Board of Examiners are fitted by education, by environment or otherwise to pass upon the preliminary educational fitness of candidates.

Lucien Hugh Alexander, of Pennsylvania:

The committee does not propose that State Boards of Bar Examiners shall actually conduct examinations as to the general educational qualifications of candidates.

Franklin M. Danaher, of New York:

Very well, then. However, I move to strike out the third sentence. Does that mean that a man who is registered as a clerk, we will say—without any invidious comparisons—in North Dakota, Wisconsin, Alabama or in Tennessee, may have his registration transferred to the state of New York?

Henry H. Ingersoll, of Tennessee:

Yes, sir.

Lucien Hugh Alexander, of Pennsylvania:

But only in case there are "similar standards."

Franklin M. Danaher, of New York:

How will it count?

Hollis R. Bailey, of Massachusetts:

I would like to hear from some of the states where this has been tried. I think myself it is a good thing. I think it would help the committee to know if the gentlemen here think well of the general principle of requiring applicants for admission to register at the time they begin their law studies. From what I have heard, I believe in it. If it has been tried in New York and works well, I, for one, would like to know it.

Franklin M. Danaher, of New York:

In New York no one can begin the study of law unless he has a high school education or its equivalent, and that is determined by the state educational authority. We find that it adds much to the peace and comfort of the law examiners; it removes them from the influences of politics and personal appeals. Candidates must present certificates to the Bar examiners, issued by the state educational authority, certifying that they have the requisite preliminary requirements. In addition to its educational value, this has great economic value. It tends to keep down the numbers of those who apply for admission to the Bar. It tends to keep unqualified persons out of the profession. I have

treated the subject more at large in my address today. I believe no man should be permitted to study law until he has on file his educational qualifications, and that the entire jurisdiction in that matter should be taken from the State Board of Law Examiners.

Hollis R. Bailey, of Massachusetts:

I would ask one more question. Is the registration with the board or with the clerk of some court?

Franklin M. Danaher, of New York:

It should be with the clerk of the court, or some authority outside of the board. There is no necessity for burdening the board with certificates for beginning the study of law, because out of ten thousand certificates which may be filed there are only, say, five thousand that eventually come before the board for final action. The result is that they should be filed with the clerk of the court.

Andrew A. Bruce, of North Dakota:

I thoroughly agree with Mr. Danaher on the proposition that the Board of Law Examiners should not be burdened with the question of the preliminary educational qualifications of candidates. I think that should be a judicial act, as the experience of the past has shown.

There is one question upon which I would like information, and that is, what should be done in cases where students have the equivalent of a high school education, but have not certificates to that effect?

Franklin M. Danaher, of New York:

The entire problem of pre-education is embraced in the proposition contained in the New York State Rules, to-wit: That a man shall have a high school education, to be determined by a certificate of graduation from a proper high school or its equivalent, as defined by the Board of Regents of the state. In other words, it would be impracticable, and would not be sustained by public opinion in our state, to exclude from the Bar all men who have not had the benefit of a high school education. The evidence of the equivalent is passing the examinations and

securing a certificate from the Board of Regents, the highest educational authority in the state.

The Chairman:

I would suggest that the debate is getting outside of the merits of this particular phraseology.

Ronald Scott Kellie, of Michigan:

The debate began by discussing whether or not a man could transfer himself from one state to another, and have the time that he studied in the first state count in the other state.

Andrew A. Bruce, of North Dakota:

This rule involves leaving it to the clerk of the appellate court to decide upon the preliminary requirements of a student. This is extremely important. Mr. Danaher's proposition presupposes some examining board. In Wisconsin they have no examining board, and I think this rule should make some recommendation on that subject.

Lucien Hugh Alexander, of Pennsylvania:

If you will examine Proposition 8, you will find, I think, that it covers the point you make.

Ronald Scott Kellie, of Michigan:

It seems to me proper that when a student moves into another state, he should have the benefit of the time spent in study in the state from whence he comes.

The Chairman:

That is permitted under the rule, I think.

Upon a vote, the rule was approved.

The Secretary (reading):

*" 8. No candidate shall be registered as a student at law until he shall have passed the entrance examination to the academic department of the state university of the candidate's state, or to one of such colleges as may be approved by the State Board of Law Examiners."*

Hollis R. Bailey, of Massachusetts:

This rule may be in need of amendment, but it was phrased in this way partly to meet the difficulty suggested by the gentleman who said that there was no board in his state like the

State Board of Regents of New York state. We do not have any such board in Massachusetts. I think we should have some body outside of the Bar examiners to whom we can send these men for examination.

Walter A. Knight, of Ohio:

I move to amend this rule by providing that no candidate shall be registered as a student at law until he shall have qualified for admission to the academic or scientific department, etc., etc., and then follow the wording of the rule as printed.

Lucien Hugh Alexander, of Pennsylvania:

The committee will accept that amendment.

The Chairman:

What is the necessity of a "scientific" department?

Walter A. Knight, of Ohio:

Because now-a-days the academic course is becoming of less value when compared to the scientific course in the universities, and what we need is knowledge that is practicable, and the academic course is being avoided by a great number of our brightest students.

The Chairman:

My inquiry was directed to this: That "academic department" is a general term that would cover both the scientific and the classical course.

Walter A. Knight, of Ohio:

If it does in all cases, that is all right.

Lucien Hugh Alexander, of Pennsylvania:

Would it be acceptable if instead of "academic" or "scientific" we simply said "collegiate"?

Walter A. Knight, of Ohio:

Certainly.

Lucien Hugh Alexander, of Pennsylvania:

In that form, then, the committee will accept the suggested amendment.

Lyman J. Nash, of Wisconsin:

I think that would not work. There is a third class of young

men who cannot pass an examination, we will say, for entrance into college, and yet they have the intellectual ability which in other ways qualifies them. The Wisconsin rule allows any principal of a four-years' high school to certify to a young man's fitness.

The Chairman:

Is it not true that the rules of the board in Wisconsin specify the topics which are regarded as the equivalent of high school topics?

Lyman J. Nash, of Wisconsin:

Not at all, it is left entirely to the principals; they send their certificate, and their certificate is accepted.

Ronald Scott Kellie, of Michigan:

It does seem to me that the amendment which was made a moment ago, and accepted by the Chairman of the committee, ought to be acceptable to every one. Certainly a lawyer should be able to use good English, and ought to know something of history. A man with the intellectual ability mentioned by the gentleman from Wisconsin could in a year fill the bill with all its requirements. And what is a year of preparation for the legal profession? Why this haste to get a young man into the law before he is ready, on the theory that he will get ready after he is in? I say, get him ready before he enters.

Simeon E. Baldwin, of Connecticut:

Another point that I think requires attention in formulating a rule upon this point is this: Ought we not to provide that there may be an equivalent examination, not under collegiate or university auspices? This rule would prohibit any state from providing a special examination for those desiring to be admitted to the Bar by the state authorities commissioned for that purpose. I would suggest that it would make the resolution conform better to the spirit of its intent, if, at the close thereof, we add the words, "or an examination equivalent thereto." That would allow the state to provide for an examination equivalent to the one prescribed. It seems to me, on principle, hardly proper to require the young man to pass an examination for

admission to college, when he has no intention whatever of entering college.

Franklin M. Danaher, of New York:

Just one suggestion as to this rule. No candidate can be registered as a student at law until he shall have passed the entrance examination to the academic or collegiate department of a university. What are you going to do with the graduate of a foreign college who is not a citizen of the United States? We have some distinguished applicants for admission to the Bar, graduates of Oxford, Heidelberg and other foreign universities who are not citizens; and they have never passed a state examination. Are you going to exclude them? That would be the effect of this rule unless you provide some equivalent.

Lucien Hugh Alexander, of Pennsylvania:

I think Judge Danaher misunderstands the scope of the closing phrase of this rule, which provides that the man may show that he has passed an examination equivalent to that necessary to qualify him for entrance to the state university, and that such equivalent college entrance examination qualification must be satisfactory to the state board, and be approved by it.

Franklin M. Danaher, of New York:

I suggest leaving out the words "or to one of."

Lucien Hugh Alexander, of Pennsylvania:

The committee has not yet attempted to deal with the final phraseology of the rules; but the committee will accept that and Judge Baldwin's suggested amendment if it will meet with his approval to add to the clause proposed by him, which was, "or an examination equivalent thereto," the following words, "conducted by authority of the state."

Simeon E. Baldwin, of Connecticut:

That is satisfactory.

Horace L. Wilgus, of Michigan:

I would like to say something about changing "academic" to "collegiate." I had a little experience some years ago in matters of this sort, where the rules of the law department of



the state university provided that no one should be admitted except those who were able to enter the second year in the literary department of the university, or in one of the four-year courses of the university. It so happened that one could be admitted to the literary department only upon having a full high school education and two years of fair college work afterwards, whereas he could be admitted to the agricultural department when he had less than the equivalent of two years' work in high school. I suspect that there are some institutions where possibly the same rule prevails. In some institutions the academic department or the collegiate department is not a fixed matter at all. As I understand it the purpose of this rule is to require practically a full four-years' course or its equivalent for the study of law. It seems to me that the rule ought to be so worded that there will be no question about its meaning.

Upon a vote, the rule as amended was approved.

The Secretary (reading):

*"9. Proof of moral character shall be required as a prerequisite to registration."*

Lyman J. Nash, of Wisconsin:

In what form is that proof to be submitted? It seems to me it ought to be in some form equally as formal as a civil service examination.

Franklin M. Danaher, of New York:

That is a mere detail, and if the principle is approved, the details can be left to be worked out by the committee.

Lucien Hugh Alexander, of Pennsylvania:

The committee was not satisfied that it would be necessary to require as formal proof of moral character in the case of a student about to be registered, as in the case of a candidate about to be admitted to the Bar. Therefore, while guarding the latter carefully in submitting Proposition 3 for the consideration of the Section, we merely, as to the former, present the principle in Proposition 9, and not the detail.

Upon a vote, the rule was approved.

The Secretary (reading) :

*" 10. Student candidates for admission to the Bar, in order to be eligible for the examination for admission, shall have studied either in an approved law school or bona fide served a regular clerkship in the office of a practising attorney during the required period of preparation."*

Franklin M. Danaher, of New York:

I offer as an amendment to that rule, that students shall be required to serve "a regular clerkship in the office of a regular attorney in the state in which they apply for admission."

Suppose a man should go to Louisiana and study for three years, would that be preparation for admission to the New York Bar, where the practice is entirely different? What will a man learn in three years in Pennsylvania or in Louisiana or in any other state that will fit him for practice in New York state?

Hollis R. Bailey, of Massachusetts:

We constantly have students from New York coming to Boston to be admitted, and we usually consider the experience in New York offices so valuable and such good training that we have reckoned it as an equivalent.

Franklin M. Danaher, of New York:

That is a compliment to New York, and I can see why you make it, but we would not return the compliment.

Henry H. Ingersoll, of Tennessee:

There must be reciprocity, if the gentleman from New York wants the other states to recognize it.

Franklin M. Danaher, of New York:

We do not want you to recognize New York in that way. A man who studies law up in the mountains of Tennessee or any other state for three years is not by any means qualified to practise law in the city of New York.

Upon a vote, the amendment was lost, and the rule, as presented, was then approved.

The Secretary (reading) :

*" 11. No student candidate shall be eligible for admission to the Bar until he shall have devoted four years in preparing for call to the Bar, either by the service of a four-years' clerkship*

*in an approved law office, or three full years in an approved law school, followed by one year of clerkship in an approved law office; provided, however, that the fourth year may be passed in an approved law school in post-graduate work, including procedure and practice.* In the draft for the rules a footnote should be appended to this provision to the effect that in those states in which candidates are eligible for examination for admission after completing only a two-years' law school course, the one year additional of practical work should be required. This would leave the entire period of preparation in those states at only three years."

Henry Wade Rogers, of Connecticut:

I desire to dissent from this proposition, and I do so because it treats as equivalents time spent in a law office and time spent in a law school. A resolution was passed by the American Bar Association last year requiring students to study law for three years in a law school or four years in an office. I, therefore, move that Proposition 11 be recommitted to the committee for further consideration, in view of the action taken by the American Bar Association last year.

Franklin M. Danaher, of New York:

I second that motion.

Lucien Hugh Alexander, of Pennsylvania:

I call attention to the fact that the action of the Bar Association last year was the adoption of a recommendation that candidates should study law for three years if graduates of law schools, and for four years if not graduates of law schools.

The object of the committee in presenting Proposition 11 in this form was not at all in opposition to that action, but simply to suggest that in the judgment of the committee there should be considered by this Section the question whether or not there ought to be an additional year of practice, making four years for all men. That does not alter or modify the requirement or resolution referred to that a man shall have studied three years, if a graduate of a law school, and four years, if not.

Henry Wade Rogers, of Connecticut:

But it treats the two periods as exactly equivalent to each other, and that is my objection to it.

world at an age when they are still young. I sympathize, therefore, with the opposition to the proposition as it now stands.

Lucien Hugh Alexander, of Pennsylvania:

Speaking personally, and not for the committee, I would call attention to the fact that the committee, when considering this matter, was not presenting what it believed to be an ideal standard, but rather one which we believe to be practical enough to be adopted in jurisdictions where rules of admission are to be changed. In my own state of Pennsylvania, until within a few years, a student could prepare for call to the state Bar in but one law school, that of the University of Pennsylvania. Later Dickinson Law School was added, but no credit was given to a man who took any of the other great law school courses; after graduation from Harvard or Yale or any other law school, he was compelled to return to Philadelphia and serve either a three-years' clerkship in an office, or else enter the University of Pennsylvania and take his last year there, and then be admitted on his diploma according to the practice then obtaining. It was with the greatest difficulty that we finally succeeded after years of effort in getting our courts to recognize attendance in the great law schools of the country outside of our own state as equal to an equivalent period of time spent in an office.

Speaking again for myself, and not for the committee, I believe that it will be practically impossible in many jurisdictions to secure the adoption of a rule which will require more time in a law office than in a law school. In presenting a draft for standard rules for admission to the Bar, the thought of the committee was that only rules should be approved which would stand some prospect of adoption in the various jurisdictions.

Again speaking personally, I would gladly vote for a rule requiring every man before admission to the Bar to attend a standard law school course, as Judge Danaher suggested today; but I doubt if America is yet ready for such a rule. I, however, would oppose the adoption of any standard rule which makes

the distinction which has been stated, for it would give a false impression; we ought not to indicate that four years in an office is equal to three in a good law school. We know it is not, and by attempting to make it appear that it is we would make it more difficult to secure ultimately the general adoption of a rule requiring every candidate for the Bar to take a standard law school course. A man in order to practise medicine must attend a medical school, and there is no good reason why the bars should be permitted indefinitely to remain down in our profession. We think our suggestion in the form presented complies with the action of the American Bar Association last year.

Levi Turner, of Maine:

I am in entire sympathy and accord with what Judge Baldwin has stated. My own experience justifies the wisdom and practicability of the course he suggested. I have sometimes been asked what the ideal course for a law student would be. I myself never had the advantages of a law school training. My reply has always been that a student ought first to have two or three months in a law office, reading some elementary book, in order to familiarize himself with the terminology and nomenclature of the law, so that when he takes his first lecture in the law school he will be able to comprehend it. Then let him spend his vacations in the office of a general practitioner. My observation has been that students who do that are well qualified to take hold of the real activities of the profession when they are admitted to practice. I know whereof I speak, because in the office I left when I went upon the Bench, we had three graduates from Harvard Law School. Two of them had pursued the course I suggest; that is, immediately upon finishing their first year in the law school, they entered the office and took part in the business activities there. Of course, to put a student in a corner of a law office simply as a piece of furniture, not allowing him to participate in the business, is useless, and time thus spent is valueless to him; but if he is given a share in the work and responsibility of what goes on, my experience is that the knowledge gained during his vacation

will fit him to take up the work of his profession with intelligence, skill and reliability.

Upon a vote, the rule as printed was approved.

The Secretary (reading) :

*" 12. Candidates for admission shall present themselves prepared for examination in the following subjects: Constitutional law, including the constitutions of the United States and . . . . (the candidate's state), equity, the law of real and personal property, evidence, decedents' estates, landlord and tenant, mortgages, contracts, partnership, corporations, crimes, torts, agency, sales, negotiable instruments, domestic relations, common law pleading and practice, federal and state practice, professional ethics, the federal statutes relating to the judiciary and to bankruptcy, and the development in . . . . (the candidate's state) of the principles of the law, as exemplified by the decisions of its highest appellate court and by statutory enactments."*

Franklin M. Danaher, of New York:

I move to strike from this rule the following words: "Common law pleading and practice and federal practice, federal statutes relating to the judiciary and to bankruptcy."

Those are proper subjects for law school training and study, and they are excellent things to know, but I do not see why Bar examiners should require a young man, as a condition to admission, to pass an examination upon them. I am not objecting to them at all as proper subjects for study, but I say that it is impracticable to require a young man from the rural districts, who intends to practise in the county court or in the justice court, to pass a special examination upon common law pleading and bankruptcy.

The motion to amend was seconded, but upon a vote was lost.

Ernest G. Lorenzen, of the District of Columbia:

I move to amend this rule by adding the subject of Conflict of Law. I think this subject has not received the attention of practising lawyers that it deserves. The teaching of municipal law is absolutely insufficient, because its application differs in different jurisdictions, and consequently the student should

learn the principles which govern the jurisdiction of the courts in the different states.

Lucien Hugh Alexander, of Pennsylvania:

I would accept this amendment for the committee, as I believe they approve it, but as the point is important it had better be voted upon.

The motion was seconded, and upon a vote was carried.

Rule 12, as amended, was then approved.

The Secretary (reading):

*" 13. Names of all candidates for admission should be published by the board for three days in succession, at least ten days before the examination, in a newspaper of general circulation throughout the state, and for four weeks in a law periodical, should there be one within the state jurisdiction. A similar publication should be made of the names of the candidates passed at the examination and at least ten days before the state board's certificates are issued to the candidates."*

On motion, the rule was approved.

The Secretary (reading):

*" 14. From the examination fees received the members of the state board shall receive such compensation as the highest appellate court of the state may from time to time by order direct."*

On motion, the rule was approved.

The Secretary (reading):

*" 15. The fee for examination for admission shall be \$25, and for passing upon registration credentials in the matter of general educational qualifications, \$5."*

Walter A. Knight, of Ohio:

What is the object of this rule? It is well known that the purchasing power of a dollar varies considerably in different parts of the United States, and I think that the fixing of an arbitrary fee is inadvisable.

Lucien Hugh Alexander, of Pennsylvania:

The committee in a note to this proposition has suggested its views upon that point.

Upon a vote, the rule was disapproved.

Lucien Hugh Alexander, of Pennsylvania:

May the committee be favored with an expression of view concerning the amount the Section thinks the fee should be?

Franklin M. Danaher, of New York:

I would suggest that the fee be left to the discretion of the state authorities. I do not think the committee should attempt to fix it at all.

Ronald Scott Kellie, of Michigan:

In New York the fee named might be all right, and perhaps, also, in Detroit, but there are localities in which the payment of a \$25 fee for admission to the Bar would be prohibitory. It seems to me that this is a matter that might well be left to the various state authorities.

The Secretary (reading):

*"16. The state board shall consist of five members of the Bar, no one of whom shall receive student candidates in his office in preparation for call to the Bar, or be connected with the faculty or governing body of any law school presenting candidates for admission."*

Simeon E. Baldwin, of Connecticut:

The number of examiners in Connecticut is considerably larger than five. In order that examination papers may be properly prepared, we have thought it wise to have more than five. We do not exclude those who receive students in their offices, nor do we exclude lawyers connected with law schools. I would suggest that the word "five" be eliminated.

Hollis R. Bailey, of Massachusetts:

Upon one occasion I had a student in my office, and one of my colleagues on the board had a student in his, and they both expected to be admitted by reason of their connection with us. However, we found the practice did not work well, and by an unwritten law we have declared that it shall not exist in the future.

Walter A. Knight, of Ohio:

Why not say, "not less than three members"?



Simeon E. Baldwin, of Connecticut:

I accept the suggestion.

The Chairman:

The question then is upon amending the rule so as to read that the state board shall consist of not less than three members, the rest of the rule to stand as printed.

Lucien Hugh Alexander, of Pennsylvania:

In some states there are as many as ten members. In Ohio there are ten, I believe. In Maryland, three; in New York, three; but in most, five. The committee thought that five was a common basis. Of course, any state desiring to do so may make the number fifteen or three, or any other number it pleases.

Upon a vote, the motion to amend was lost.

The rule as printed was then approved.

The Chairman:

This completes the last of the rules. We will now hear from the Committee on Nominations.

Hollis R. Bailey, of Massachusetts. The Committee on Nominations recommend the election of the following officers:

For Chairman, William O. Hart, of Louisiana.

For Secretary, Charles M. Hepburn, of Indiana.

The officers named were then duly elected.

The Secretary:

I have a report from the special committee appointed at Seattle last year with reference to the conferring by law schools of the degree of LL. B.

*(The Report follows these Minutes, page 775.)*

Henry Wade Rogers, of Connecticut:

As Chairman of the committee which made that report, I beg to say that it is now too late to discuss this matter at the present time. I, therefore, suggest that the report be received and spread upon the minutes, and that action upon it be deferred until next year.

The motion was seconded and carried.

The Section then adjourned.

CHARLES M. HEPBURN,

*Secretary.*

**REPORT**  
**OF THE**  
**COMMITTEE ON STANDARD RULES FOR ADMISSION TO**  
**THE BAR.**

*To the Members of the Section of Legal Education, American Bar Association:*

I. By virtue of the action of the Section, your committee understands its function to be the preparation of a draft for standard rules for admission to the Bar—rules which shall embrace all that should ordinarily be included within an adequate admission system, and which hereafter may serve as a general guide in jurisdictions in which changes in the rules now in force are being made or are in contemplation. Your committee does not understand that it is proposed either to refer the rules when finally approved to the Association's Committee on Uniform State Laws or in any other way to undertake a propaganda for their universal adoption in America.

Standard rules in so important a matter can be of substantial value only through intrinsic merit. It follows that they should be drafted with the greatest care and only after the fullest possible consultation with those likely to have opinions and suggestions of value.

II. The committee in its report of last year submitted sixteen interrogatories *in re* some of the more important points under consideration and upon which it desired expressions of your opinion. The limitations of time at the Seattle session necessitated a postponement until the 1909 meeting.

We are of opinion that more rapid progress will result if the main points to be incorporated in the rules are first discussed as independent propositions, that in fact they can be better considered in this form than if crystallized into concrete rules, for in a draft of the rules as a whole, a matter of prime importance may be embodied in a single clause and attract but little notice.

We therefore resubmit the sixteen points embraced in the interrogatories last year, but in the form of propositions. They do not in some instances voice the unanimous judgment of the committee; but they do represent the present majority view.

III. Your committee considers two main points as settled: *first*, that examinations for admission to the Bar should be conducted in each state by a board appointed by the highest Appellate Court, and *second*, that a law school diploma should not entitle the holder to admission to the Bar without examination by this board.

In presenting the following propositions, we do not desire to be considered as committed thereto as a committee, but ask as full a discussion of each as the limitations of time at the meeting will permit:

*1. The candidate shall on admission be a citizen of the United States.*

It has been suggested that provision should be made for the admission to the Bar of our courts of the inhabitants of Porto Rico and the Philippines. Under the present law, they are not citizens of the United States, and yet, not being aliens, cannot be naturalized. *Query*: As a matter of principle, should or should not an American court admit as a practitioner at its Bar one whom the people of the United States, through the legislative and judicial departments, have refused to recognize as a citizen of the United States?

*2. He shall also be a citizen of the state in which he is applying for admission, or prove that it is his intention to maintain an office therein for the practice of the law.*

Such a provision would make it possible, for example, for a citizen of New Jersey (or other state) residing in a New Jersey suburb of New York City to be admitted to the New York Bar.

*3. Character credentials on application for admission shall include the certificates of three responsible citizens, two of whom shall be members of the Bar, and the certificates shall set forth how long a time, when, and under what circumstances those giving the same have known the candidate.*

It has been suggested that it may be a hardship for a candidate to secure certificates from *two* members of the Bar. *Query*: Will not such provision make it incumbent upon a student during

his course of preparation to be in touch with at least two members of the Bar?

*4. The lawyer on admission shall be designated attorney and counsellor, and not merely attorney.*

At present, in New Jersey, the candidate is first admitted as an attorney, but on passing a subsequent examination is admitted as a counsellor.

*5. Three years' practice in states having substantially equivalent requirements for admission to the Bar shall be sufficient in the case of lawyers from other jurisdictions applying for admission on grounds of comity.*

The rules of some of the Appellate Courts require five years.

*6. There is no necessity for the insertion in the rules of a reciprocal comity provision; that is, of a proviso prohibiting the admission of lawyers from other states on grounds of comity unless the state from which the lawyer comes extends similar courtesies to lawyers from the Bar of the state in which the candidate is applying for admission.*

*7. Students shall be officially registered at the commencement of their course of preparation for the Bar, upon report of the State Board as to fitness. The Board's report shall be based upon its inspection of the candidate's credentials establishing that he has passed the required academic examination. The registration shall be with the clerk of the highest Appellate Court. A candidate removing from a jurisdiction having similar standards for registration may have the registration transferred. Nunc pro tunc registration may be permitted according to the present New York practice, which allows such registration only when the candidate had the requisite education at the date as of which he desires to be registered and in a case where there has been no laches on his part.*

Registration of students of law has been required in Pennsylvania for many years and the system has worked admirably.

*8. No candidate shall be registered as a student at law until he shall have passed the entrance examination to the academic department of the state university of the candidate's state or to one of such colleges as may be approved by the State Board of Law Examiners.*

Within some states the high school standard varies so greatly that it seems unwise to specify graduation from a high school as adequate academic preparation; on the other hand, it is not unreasonable to require that the candidate on taking up the study of the law shall have passed *at least* the examination demanded for entrance to the state university or its equivalent.

*9. Proof of moral character shall be required as a prerequisite to registration.*

*10. Student candidates for admission to the Bar, in order to be eligible for the examination for admission, shall have studied either in an approved law school or bona fide served a regular clerkship in the office of a practising attorney during the required period of preparation.*

In this connection it is well to note that the New York Court of Appeals amended rules for admission, which went into effect last year, provide that the candidate must have prepared either in an approved law school or by serving "a regular clerkship in the office of a practising attorney," and that as to the clerkship he must produce and file "an affidavit of the attorney or attorneys with whom such clerkship was served, showing the actual service of such a clerkship, the continuance and end thereof, and that not more than two months' vacation was taken in any one year." His own and attorney's affidavits must also show "that during the entire period of such clerkship, except during the stated vacation time, the applicant was actually employed by said attorney as a regular law clerk and student in his law office, and, under his direction and advice, engaged in the practical work of the office during the usual business hours of the day."

Those who desire to investigate this subject more fully will find a brief of statutes and authorities, American and English, *in re* the meaning of the term "regular clerkship" in A. B. A. Reports for 1905, Vol. XXVIII, pp. 635-642.

*11. No student candidate shall be eligible for admission to the Bar until he shall have devoted four years in preparing for call to the Bar, either by the service of a four years' clerkship in an approved law office, or three full years in an approved law school, followed by one year of clerkship in an approved law office; provided, however, that the fourth year may be passed in an approved law school in post-graduate work, including procedure and practice.* In the draft for the rules a footnote should be appended to this provision to the effect that in those states in which candidates

are eligible for examination for admission after completing only a *two* years' law school course, the one year additional of practical work should be required. This would leave the entire period of preparation *in those states* at only three years.

The object of the provision embodied in proposition 11 is to insure at least one year being devoted to the subject of practice and to differentiate the man who merely wants a general education in the law from the man who desires actually to engage in the practice of the profession.

Dean Irvine approves the proposed four years for preparation "not so much upon the necessity of an extra year for training in practice as upon the inadequacy of three years for covering, in a proper manner, those branches of law which may fairly be deemed essential to every student." He further says: "I do not think that instruction in pleading or even in practice should be deferred until the fourth year. I believe the law schools should afford such instruction as a part of the regular course." He adds that he fears that the proposition in its present form "would tend to the elimination of practice courses from the law school's *curricula*, and that the student would be relegated to an unscientific and haphazard picking up of practice information in his fourth year."

In considering the four years' proposition, we should not overlook the fact that in England, at the present time, a man to be entitled to practise as an attorney, must before examination prove that he has served a regular office clerkship of *five* years.

Furthermore, in Germany, as pointed out to us last year by Judge von Lewinski, of Berlin, in his illuminating paper on the "Education of a German Lawyer" (A. B. A. Reports, XXXIII, pp. 814-827), the candidate for admission to the Bar, *after* he has completed his three years' training in the law school, must, before examination for admission, spend four years and four months in practical work. He then, if he passes his examination, is admitted to the Bar. The four years and four months, according to Judge von Lewinski (*id.*, pp. 822-825), is divided as follows: As assistant to the judge in one of the smaller county courts, nine months; in the Superior Court, studying civil and criminal proceedings, one year; following this, four months with a state's attorney acquiring knowledge of criminal prosecutions; then a six months' course in the office of a counsellor at law; after that, one year in studying practice in a county court in a large city and receiving instruction on civil law and procedure from especially qualified judges, and finally nine months is devoted to a study of the work of the Appellate Court, in all four years and

four months *after* the completion of the three years' law lecture course. Then if he wishes to be a judge or state's attorney, he is compelled to undergo a still further course of training. One member of the committee calls attention to the fact that in Germany the professors of law seem to recognize their twofold function: one, the theoretical training of a group of men who are subsequently to be called to the Bar *after thorough drilling* in practice; the other, the education of a larger group who desire merely theoretical knowledge of the law without expectation of ultimate admission to the Bar.

*12. Candidates for admission shall present themselves prepared for examination in the following subjects: Constitutional law, including the constitutions of the United States and . . . . (the candidate's state), Equity, the law of Real and Personal Property, Evidence, Decedents' Estates, Landlord and Tenant, Mortgages, Contracts, Partnership, Corporations, Crimes, Torts, Agency, Sales, Negotiable Instruments, Domestic Relations, Common Law Pleading and Practice, Federal and State Practice, Professional Ethics, the Federal Statutes relating to the Judiciary and to Bankruptcy, and the development in . . . . (the candidate's state) of the principles of the law, as exemplified by the decisions of its highest Appellate Court and by statutory enactments.*

*13. Names of all candidates for admission should be published by the board for three days in succession at least ten days before the examination in a newspaper of general circulation throughout the state, and for four weeks in a law periodical, should there be one within the state jurisdiction. A similar publication should be made of the names of the candidates passed at the examination and at least ten days before the State Board's certificates are issued to the candidates.*

*14. From the examination fees received the members of the State Board shall receive such compensation as the highest Appellate Court of the state may from time to time by order direct.*

*15. The fee for examination for admission shall be \$25, and for passing upon registration credentials in the matter of general educational qualifications, \$5.*

It has been suggested that no attempt should be made to state an examination fee applicable in the different jurisdictions in

the United States. This is no doubt based on the assumption that an adequate fee should be paid the examiners and that the amount which would be adequate would vary in different parts of the country. On the other hand, it may be doubted whether a fee of more than from \$25 to \$50 should be required, and it will hardly be contended that in any jurisdiction that sum would be adequate properly to remunerate a competent examining board of three or five lawyers for passing upon the application of each candidate and also to pay the printing and other expenses of the board. In England, a man desirous of taking up the study of law to be admitted as an attorney must affix to his articles of clerkship an £80 stamp.

*16. The State Board shall consist of five members of the Bar, no one of whom shall receive student candidates in his office in preparation for call to the Bar, or be connected with the faculty or governing body of any law school presenting candidates for admission.*

IV. We hope suggestions will be made at the meeting as to other points of importance to be incorporated in the proposed standard rules.

We recommend that the committee be continued and directed to send a copy of this report in the fall to all members of State Boards of Bar Examiners, with requests for suggestions and criticisms, and also prior to May 1, 1910, to submit a copy of its preliminary draft for the rules to each member of the American Bar Association, to the Chief Justice of each State Appellate Court, to each State Board of Bar Examiners and to the Dean of each law school in the Association of American Law Schools, with requests for criticisms and suggestions, and to prepare and present its final report at the 1910 meeting in the light of the replies received.

HOLLIS R. BAILEY, Massachusetts,  
WESLEY W. HYDE, Michigan,  
HENRY H. INGERSOLL, Tennessee,  
FRANK IRVINE, New York,  
LAWRENCE MAXWELL, JR., Ohio,  
GEORGE W. WALL, Illinois,  
LUCIEN HUGH ALEXANDER, Pennsylvania,  
*Chairman.*

August, 1909.



**REPORT**  
**OF THE**  
**SPECIAL COMMITTEE UPON THE CONFERRING OF LL. B.**  
**DEGREES.**

*To the Section on Legal Education:*

The undersigned were appointed a committee, at a meeting of the Section held in Seattle in 1907, to consider and report whether it is advisable for the Section to adopt a resolution then introduced advising the American Bar Association that in the opinion of the Section the time has come in this country when the right to confer the LL. B. degree should be restricted to law schools having a three years' course for the first degree in law.

The committee has given the matter careful consideration. The conclusion which it has reached is that such a resolution ought to be adopted by the Section.

Two-thirds of the law schools in the United States are now on the three years' basis. In England and in Scotland the LL. B. degree is conferred only at the end of a three years' course of study. The practice in this matter should be uniform.

In England no degree in law can be obtained at the end of a two years' course. But in Scotland, while, as has been said, the LL. B. degree is only granted at the end of three years, those who pursue a two years' course may obtain the L. B. (Bachelor of Law) degree. The matter is in that country regulated by law.

Our degree system is English in its origin, and it is desirable so far as possible that degrees should mean the same thing throughout the English-speaking world.

It seems also to the committee to be unjust that a school having a course of only one year, or one of two years, should have the right to grant upon the completion of such a course the same degree that is conferred by the schools which have a three years' course for undergraduates.

Without further enlarging upon the reasons which have led the committee to the conclusions which it has reached, the following recommendations are made:

The committee recommends the Section to adopt:

Resolution 1. *Resolved*, That the Section advises the American Bar Association that in its opinion the right to grant the LL. B. degree ought in the United States, as in England and Scotland, to be restricted to schools in law having a three years' course of study for that degree; and it further advises that schools having only a two years' course for the degree should grant, as in Scotland, the degree of L. B. (Bachelor of Law). It further advises that schools having a course of only one year should not have the right to confer any law degree.

Resolution 2. *Resolved*, That the section advises the American Bar Association that in its opinion it is desirable that the right to confer degrees should be regulated by a uniform law.

Respectfully submitted,

HENRY WADE ROGERS,

CHARLES NOBLE GREGORY,

GEORGE P. COSTIGAN, JR.

## NEGLECTED PHASES OF LEGAL EDUCATION.

### CHAIRMAN'S ADDRESS

BY

HARRY S. RICHARDS,

DEAN OF THE LAW SCHOOL, UNIVERSITY OF WISCONSIN.

Three separate organizations forming a part of, or affiliated with, the American Bar Association, have to do with legal education. The Committee on Legal Education, one of these bodies, has been a standing committee of the American Bar Association since its organization in 1878. The Section on Legal Education was formed in 1893, and has been in existence sixteen years. The Association of American Law Schools, affiliated with the Bar Association, was organized in 1900. All these bodies have been more or less active in dealing with the problems of legal education.

It seems worth while, as preliminary to some suggestions with respect to the activities of these associations, to call attention briefly to the lines along which they have been working, and the interests that have been most potent in framing their recommendations.

The Committee on Legal Education made a report of some length the first year of its organization, after which no reports were made until 1890, which date marks the real beginning of the committee as an active factor.

From 1890 until the present time the committee has presented nine exhaustive reports, all of which deal primarily with law schools, embracing such subjects as, the law school curriculum, preliminary education, methods of teaching, present state of law schools, law degrees. A majority of the committee during this period have been law teachers. The present Chairman of the committee has been a member of the committee for nearly

twenty years, and we are indebted to him for the valuable statistics presented in the last half dozen reports.

Turning to the Section on Legal Education, we find that its activities also have been largely confined to law school problems. Since its organization sixty-three addresses have been delivered before the section. An examination of the titles of the papers shows that thirty-four papers were on law school problems. Of the remaining twenty-nine, perhaps one-half deal with general questions of interest to the profession, such as legal ethics, professional ideals, etc. The others ostensibly deal with general problems of legal education, yet a great part of their subject matter relates to law schools. Of the sixty-three persons who have read papers before the Section, fifty were law teachers, four laymen, and the remaining nine had some connection with law schools as lecturers.

The Chairmen of the Section, since its organization, have been law teachers without exception. The proceedings of the Section also show that although members of the American Bar Association are entitled to attend and take part in the proceedings, they seldom, if ever, do so. The Association of American Law Schools, composed as it is of law schools, represented at the meetings by faculty delegates, is naturally dominated by law school teachers. These facts show plainly that every organization of a national character, having for its purpose the betterment of legal education, is dominated by law school teachers. This dominancy of the law teacher shows the tremendously important part which the law school plays in legal education today. The law school is unquestionably recognized by the Bar as the best medium of preparation for the profession, and the men best equipped in general education and legal training come to the practice through these channels. Unfortunately, this dominancy of the law teachers is not due entirely to the universal recognition of the excellence of the law schools; it is due also to the indifference of the Bar to the standards of legal education and admission to the Bar. Lawyers as a class are not interested in the subject, seldom attend the meetings of the Section, or participate in its discussions. It cannot be said that

the Bar is hostile to the movement for higher standards of efficiency. Bar associations will pass resolutions in favor of better things without debate. It is safe to say, however, that very few lawyers know what is being done in the various law schools, or what sort of standards are being enforced by the boards of Bar examiners.

This indifference is shown in other ways. The greatest foes to efficiency and thoroughness in legal education are the pretentious but weak law schools that are springing up all over the country, particularly in the large cities. The prospectus of such a school is always attractive. It might serve as a model for students in the art of advertising. The faculty list is impressive, including, as it usually does, prominent lawyers and judges from the community in which the school is established. The fact that these men give little time to the school, and that the instruction, such as it is, is largely given by obscure men, is carefully concealed. The paper standards are never observed, when a student will be lost thereby. Such schools serve no useful educational purpose. They lead young men to believe that the law offers golden prizes which can be grasped by ignorant men after a short period of superficial training. Their graduates lower the tone and efficiency of the profession, and bring reproach upon it. Schools of this type could not exist for a day, were it not for the indifference of the Bar. The surprising thing is that men holding prominent places in the profession will so readily lend their names as a bait to enterprises of this character.

Bad as some resident schools are, they are surpassed in unworthiness by most of the correspondence schools, a host of which have sprung up in recent years. The circulars of many of these schools are not only seductive, but mendacious as well. Without going into the question of whether or not law can be taught effectively by correspondence, it is safe to say that most of these schools are not efficient. They are thoroughly commercialized, organized for the purpose of selling books of indifferent value at an enormous profit, and to appropriate the forfeited fees of men who can ill afford to spare the money, but

are deluded by glowing announcements into the belief that they can in this way prepare for a professional career. It is high time that measures be taken against schools of this character, not only in the interest of their deluded contributors, but in the interest of the efficient and prompt dispatch of public justice. A large part of the delay and expense in the administration of justice, about which there is much well-founded complaint on the part of the public, is due to the inefficiency and ignorance of members of the Bar. An insistence on adequate training by the Bar will do more to reform matters than any of the legislation to that end so far proposed. No matter how admirable the particular law may be, it will prove inadequate unless administered by men of ability and training. The sweeping and beneficent reform in procedure accomplished in England is a tribute to the ability and high character of the English Bar. The leadership in this movement must be taken by the practising Bar, since the motives of a law teacher who denounces inefficient schools are at once questioned, and he is accused of jealousy and self-interest.

Attention has been called to the important rôle played by law teachers in the organizations devoted to legal education. It is but natural that the law teacher whose thoughts are constantly devoted to these problems, should take a prominent part in these proceedings, and it is desirable that he should do so. It is not surprising that when called upon to present papers, he should deal with the questions nearest his interest.

If the law school were the only medium of preparation for the Bar, the almost exclusive consideration of law school problems would be justified. Unfortunately, this is not the case; the law schools that maintain high standards still prepare a relatively small proportion of the annual recruits to the profession. The Association of American Law Schools has but thirty-six members, while there are more than one hundred law schools in the United States. It must also be remembered that a very large number of the annual additions to the Bar come from the law offices, and do not attend a law school at all.

The question of what should be done with respect to these men that come to the Bar examinations from the weak schools and the offices has been largely ignored by this Section. Yet it is of vital importance to the law teacher, since, with few exceptions, all law schools, high or low, are compelled to consider the standard of admission to the Bar in the territory from which they hope to draw students, in shaping their courses of instruction, and in fixing their standards of admission and graduation. Admission to the Bar is unfortunately the great goal with most young men who aspire to a legal career, and they will meet the requirements exacted, but nothing more. Happily, this is not the attitude of all students, and this unworthy class will disappear when the Bar becomes less tolerant of inefficiency. Trustees of colleges and universities will not, as a rule, countenance requirements that will cut the attendance at their schools, since the superficial popular test of success is numbers, and this sentiment must be reckoned with.

It is of vital importance to law teachers that this indifference of the profession to legal educational problems shall cease; that paper requirements shall be the real requirements; that no mercy shall be shown to fake educational enterprises; that the profession and the public shall demand that every man granted the privilege and not the right to practise law shall have a training commensurate with the exacting demands which modern industrial conditions impose on the profession. Such an attitude on the part of the profession will bring about more reforms in present abuses than can ever be accomplished by promulgating canons of ethics for lawyers, however admirable they may be.

The tendency of the stronger schools to have their faculties made up largely of men who devote all their time to instruction has immeasurably increased the scope and efficiency of legal instruction. At the same time it has tended to isolate the practitioner from the law teacher.

This isolation is evidenced in many ways. The practitioner is apt to sneer at the teacher as impractical and theoretical. The practicing lawyers do not attend the meetings devoted to

legal education. The practice of this Section is to limit papers and discussions to law school problems.

The tendency of the law teachers to form a group apart, as if their interests were distinct, is unfortunate, tends to limit their influence, and retards progress. The sympathy and co-operation of the Bar is essential to their influence and success. There are many questions connected with legal education which can only be advantageously considered and solved in co-operation with the practitioner, and particularly with those practitioners charged as law examiners with determining the fitness of applicants for admission to the Bar.

The law teacher and law examiner have one ultimate end in view, the admission to the Bar of only well-trained men. A mutual understanding of the purposes and difficulties of each would tend to better results. The general adoption of the plan for state Bar examiners was a long step in advance. But the questions of the character of the tests to be applied to applicants for admission to the Bar; the period of study; the amount and character of preliminary training; the proper attitude towards correspondence schools, are still to be satisfactorily determined. The adoption of a uniform set of rules by the various state boards will accomplish much as to form. But the effectiveness of the rules will depend on the enlightenment and good faith of those charged with their enforcement. The energies of this Section should be devoted to reforms in the substance of things as well. In the past there has really been no common meeting ground for the law teacher and the law examiner. The association of law examiners is moribund. The Association of American Law Schools is limited in the character and number of its membership. The Section of Legal Education has in the past, as indicated, largely devoted itself to the same questions as the Association of American Law Schools, although its scope is much wider, embracing questions growing not only out of law school education, but of office and private study as well.

It is not possible to differentiate absolutely the Association of American Law Schools from the Section of Legal Education. Their proper activities must of necessity overlap. Since the



Association of American Law Schools was organized "to improve legal education *particularly* in the law schools," let it confine its activities in the main to the field thus marked out. Let the Section, in the interest of a larger usefulness, differentiate itself as far as possible from the Association of American Law Schools, and enter a field largely neglected, and in which much is to be done. Let it afford a common meeting ground for law teachers, law examiners, and the active practitioner. If these interests can be brought together in this Section, and come to understand each others' aims and methods, the results cannot fail to advance the efficiency of the Bar.

## SOME SUGGESTIONS FOR STANDARD RULES FOR ADMISSION TO THE BAR.

BY

FRANKLIN M. DANAHER,

OF ALBANY, NEW YORK.

We have been honored by an invitation from the Chairman of the Section of Legal Education to read a paper, based upon our experiences as a member of the New York State Board of Law Examiners, on the proposed standard rules for admission to the Bar.

The New York Board can justly claim an abundance of practical experience in the premises.

Hon. William P. Goodelle of Syracuse, the President of the Board, and myself have been members of the same since its organization in 1895. We have passed upon the qualifications of and certified for admission to the Bar 12,275 candidates, and, allowing for re-examinations, we have read upwards of 20,000 sets of answer papers and a million answers. One applicant has twenty-one failures to his credit and he still comes up smiling. The Board has had before it all sorts and conditions of men, graduates from substantially every college in the civilized world, and from a greater part of the gymnasiums of Europe, and also representatives from every law school in America. It has had before it conditions arising from the new immigration, and problems that only the most cosmopolitan and polyglot city in the world could furnish. If in ancient times all roads led to Rome, New York City is its worthy successor in that regard today.

It has had to combat much fraud and chicanery in attempts to evade the restrictive features of the rules regulating admission to the Bar, but it has fought the good fight, and through the

storm and stress of battle, with the encouragement and aid of its Court of Appeals, New York has evolved a set of rules in that important matter which, though not perfect, represent the experiences of fifteen years and an honest and fearless determination to uplift conditions at the Bar and to increase its moral and intellectual standards.

The subject under consideration is too vast for an argumentative paper on this occasion, so we do but suggest.

By reasons of differences in local conditons, it is substantially impossible to have actual uniformity in the rules regulating admission to the Bar throughout the states composing the union. The American Bar Association, through its Section of Legal Education, is doing most excellent work in formulating standard rules for admission, which shall contain all the conditions which experience has determined to be essential in that regard for the good of the state and the profession, in aid and encouragement of those states which thus far have no state rules, and for the information of those states whose rules need strengthening or amendment. We presume to suggest in brief form some salient conditions without which, in our opinion, no set of rules would be either complete or effective. They relate mainly to the preliminary educational qualifications, to the service of an actual bona fide law clerkship, and to law school attendance and study as part of the required time of preparatory study for admission to the Bar examinations.

Primarily, no person should be allowed to begin the study of the law unless he has at least a high school education, or its equivalent, as defined by state educational authority. Our experience is that a high school educational requirement is high enough and practically sufficient, and the extreme limit of what we can get. An examination of our records show that there is very little if any difference in the percentages of high school graduates and collegiates. We cannot make the profession an aristocracy, nor keep therefrom the many ambitious young men who seek its fatuous wealth and fame, and to ask for more than the high school requirement would be to raise a genuine opposition to all rules and a clamor which would prevent the getting

of even that concession. We lay particular stress upon the condition that the educational requirement should be possessed prior to the commencement of the study of the law. One reason is that a student cannot divide his time and attention between his work in obtaining his pre-educational conditions and his law studies. One must of necessity give way to the other, with the practical result that the law work will be neglected until the educational condition is worked off, to the general demoralization of the student, who will come to his examinations unprepared and illy fitted to enter upon the practice of his profession. We assume as admitted the necessity of some pre-educational qualification. In addition it has this practical merit—it will be a discourager and will prevent many uneducated and inefficient persons from beginning the study of the law. The time and effort required to obtain after eighteen years of age a high school education, or its equivalent, will be almost prohibitive, and will certainly decrease the number of applicants and thus render competition at the Bar less deadly, tend to make the profession reasonably safe and sure as a means of livelihood, make it more honest and improve its conditions and general morale.

The proposed rules should also provide that all law clerkships must be bona fide, and actually served in the law office of a practising attorney in the jurisdiction. They should require that during the entire period of such clerkship, except during the stated vacation time, the applicant be actually employed by the attorney as a regular law clerk and student in his law office, and under his direction and advice engaged in the practical work of the office during the usual business hours of the day, proof of which must be made by the affidavits of the attorney and of the applicant. The above are substantially the requirements and the language of the rule governing law clerkships in New York. It is based upon the old decisions and rules of court when the law was more of a closed profession, as the same are more fully set forth in Mr. Lucien Hugh Alexander's intelligent and practical paper, entitled "Some Admission Requirements," read before the Section of Legal Education in 1905 (American Bar Association Reports, Vol. 28, p. 619), to which paper we wish to

acknowledge our indebtedness. We state with regret that some attorneys have very little conscience and regard for the interests of the profession in the matter of clerkships. Nominal or constructive clerkships are more numerous than one would suspect, and many who are engaged during business hours in political or other gainful occupations are serving, with the connivance of attorneys, law clerkships looking towards admission to the Bar. Such practices, in addition to being fraudulent and an imposition on the courts, are unfair to those who serve their law clerkships honestly, and bring into the profession many who otherwise would not even attempt to be admitted. The intent of the proposed rule is to limit the evil if possible.

We believe that New York made a grievous error when in 1895 it cut loose from the traditions of the past, and allowed students to qualify for admission to the Bar without spending some portion of the required period of study in serving a regular clerkship in the law office of a practising attorney within the jurisdiction. We have, on occasions, spoken of the substantial impossibility of obtaining an education in the law under modern conditions of stenographers and typewriters and specialization now existing in law offices. We desire to explain our general statement. We mean that a student cannot obtain while serving a clerkship either a good or sufficient education in the law, but that does not necessarily mean that he can learn nothing of value while doing so. On the contrary, our experience is to the effect that those students who have been a year or more in an office show a familiarity with the language of the law, its technical terms, the meaning and use of the forms and procedure by which results are produced, and know more of practice, pleading and evidence than those who come before us, the exclusive product of the law schools; other things being equal they are better fitted to begin the practice of the law. The great majority of those who come to the Bar in New York have never served an hour of clerkship, and upwards of eighty per cent have had more or less law school training, and the deficiencies in pleading and practice of those who served no clerkship are appalling. We cannot state all that has come under our observation nor prove our assertion by

numerous citations from the answer papers of the many applicants, but a fair example of what we have in mind came to pass in our present June examination. We asked that an attestation clause to a will be drawn. That most important form which is in general use, and has to do with the proper execution of a will, was absolutely unheard of by the great majority of the law school applicants, and their answers thereto were sad to behold. There is a decided difference in pedagogic opinion concerning the advisability and practicability of law schools teaching pleading and practice. We contend that those subjects can and should be taught in the law schools. The school can develop the subjects historically, lay down their principles, make plain their logic, explain their terms and familiarize the student with the forms. He can then begin the service of a law clerkship, and with his law school training he will learn practice and pleading and how to do things in one-quarter of the time he would require had he begun his law studies by registering as a clerk.

The experience of every lawyer is that he never feels sure that he knows how to do a thing in practice until he has done it once, at least, no matter how learned he may be in the law of the subject matter, and that condition marks the limit in teaching, pleading and practice beyond which a law school cannot go. Our contention is that a thorough law school course, which should include courses in pleading and practice, should be compulsorily supplemented by a year of active bona fide law clerkship, and for that reason we have always advocated a three-year period of law study, two years of which should be spent in a law school and one year in an office, both compulsory, and in that order if possible. Some of the men who come to the Bar in New York without office experience, mindful of their deficiencies, serve a clerkship after admission, but the vast majority of such, without sense of responsibility, begin to practise at the expense of their clients, to the impeding of the due and orderly course of justice by reason of their foolish and inexcusable errors. Conditions in the courts in New York a few years ago became alarming by reason of the ignorance of the junior Bar in pleading, practice and evidence. The Special Terms were clogged with motions arising out of

defective pleadings, and the appellate courts were overwhelmed with appeals therefrom, and from errors arising on the trials of actions, and a special committee of the Bar was appointed to consider the evil and its remedy. The first suggestion was to amend the rules by requiring all applicants to serve a law clerkship of not less than a year, but that could not be done without either adding a year to the then required time of law study, which was practically impossible, nor without affecting the courses of study of the three-year law schools, so the difficulty was met and attempted to be remedied by requiring that all applicants should thereafter pass a special examination in pleading, practice and evidence before they would be certified for admission. It was deemed that that would either force the students into the law offices or compel the law schools to give special attention to the teaching of those important subjects. We feel that both results have been accomplished. Law schools in New York are now giving special instruction in pleading and practice, some with greater intensity than others, with corresponding beneficial results to their students, and law clerkships are being served by many with exclusive law school experience, who a year ago would have applied for examination without an hour of clerkship. How the requirement is working, as well as its necessity, can be determined from the fact that out of one hundred and ninety-one failures in our June, 1909, examination, one hundred and sixty-six were in pleading, practice and evidence.

The standard rules should contain a condition that each applicant should serve an actual bona fide law clerkship of not less than a year as a part of the required time of study.

In regard to the law schools we will not gild refined gold nor add perfume to the lily, by repeating all the arguments and facts and conditions which go toward conclusively establishing that a proper and complete education in the law cannot be obtained except by attendance upon a proper law school. We believe so to the extent that we advocate on principle founded on experience that the standard rules should contain a clause making law school attendance compulsory. New York has no such rule, but its methods of examination have so impressed upon candidates for

admission to the Bar the fact that the best education possibly attainable in the law is none too sufficient, that upwards of eighty per cent of its applicants have had some law school training, and the other twenty per cent would if they could.

In adding such a requirement the Section of Legal Education should not lose sight of the fact that the state rules regulating admission to the Bar represent the people of the state and their average intelligence, and the poor as well as the rich to whom the cost in time and money of attendance upon a law school is negligible, and that those who state that "Abraham Lincoln would never have, etc.," will be heard from, and that perhaps such a rule cannot be adopted at once, but it will be in time as a necessity forced upon the state by conditions at the Bar, which can only be corrected by higher education. In New York four years of compulsory attendance upon a registered medical college is required of medical students, and no good reason exists why a condition of similar purpose should not be found in all rules regulating admission to the Bar.

Our appreciation of the valuable work and the absolute necessity of law school training is such that we are inclined to paraphrase the saying of the Kentucky colonel speaking of the state beverage, and apply it to the law schools, viz.: "that all law schools are good, but some are better than others."

We see no reason why a night law school should be condemned simply because it teaches law by gas or electric light instead of sunlight. If a night law school has competent professors, sufficient courses of study and the required number of hours, we believe it should be encouraged, and time spent in the successful completion of the work thereat should be allowed by the Bar examiners. We believe with Mr. Alexander (American Bar Association Reports, 1905, Vol. 28, p. 643), who, in speaking of "the splendid work which is being done by night law schools," says: "They are a godsend to the ambitious clerk in a law office, desirous of entering the profession, for they afford him an opportunity to have his course of study systematized, to have his knowledge of the theory developed along rational consecutive lines." If night law schools are such as he depicts them, we cannot see why time



spent in taking such courses should not be allowed, if the school be otherwise proper, and equal in the requirements to the day school whose time is counted towards admission to the Bar. So it is with correspondence schools of law. They are an existing fact, having thousands of enrolled students whose environment will not permit their attendance upon a resident law school; ambitious, deserving and hard-working young Americans, who are doing all they can and the best they can to obtain an education in the law, and there is no sense in condemning either them or the recognized modern method of obtaining an education by correspondence.

It is part of a high-grade university movement, and is practical and educationally acceptable, for some of the leading universities of America, like Chicago and Wisconsin, are conducting the majority of their courses by correspondence, and many others are doing the same *sub nomine* "University Extension," under which title that great educational authority the Board of Regents of the State of New York recognizes the system. We do not approve of fake or fraudulent correspondence schools of law any more than we do of fake or fraudulent day schools. We believe, however, that a properly organized, chartered and state-supervised correspondence school of law can be of incalculable benefit to the state and to the profession, to law clerks who cannot attend upon a resident law school, and do no harm to either, and as time spent in taking such courses should not be allowed to count as part of the required time of law study, the profession, to whom the matter is academic, should not be inveigled into an onslaught upon correspondence schools of law.

Another important question is as to what constitutes a proper law school. New York has gone far towards settling the matter in a sensible and proper way. A law school whose time is allowed as part of the required period of law study in New York must be an incorporated law school, or a law school connected with an incorporated college or university, having a law department organized with competent instructors and professors, in which instruction is regularly given. It must have a prescribed course of instruction, its school year must consist of not less than thirty-

two school weeks, exclusive of vacations, in which not less than an aggregate of 384 hours of attendance upon law lectures or recitations of such prescribed course to be given or conducted by regular members of the faculty are required. In addition, the affidavit of the law student and the certificate of the faculty must show that the applicant was in satisfactory attendance upon and successfully completed the prescribed course of attendance during the time for which he claims credit. Such a provision inserted in the standard rules would effectually settle the night and correspondence law school problem. The night law schools in New York have conformed to the above requirement, and there is no reason why all law schools which desire to have their time allowed under rules regulating admission to the Bar should not do the same. Our time will not permit us to state the good and sufficient reasons why that rule was adopted in New York, but we will say that it is becoming the accepted law school standard throughout the states.

Under the rules first adopted in New York, the examiners were required to allow mere attendance upon an incorporated law school for its eight months' school year, regardless of its actual school time and of the successful completion of the course, as a year of law study, and the equivalent of twelve months of law clerkship, the minimum requirement of which demanded about 2000 hours of actual work. It was absurd, an injustice to the law clerks and a moral and economic detriment to the Bar to allow in that manner the time certificates of certain day law schools, whose school years ranged from thirty-five weeks of five school hours a week to seven and one-half hours a week for about thirty school weeks, and of night schools some of which required but from four to four and one-half hours a week for from thirty to thirty-two school weeks. One incorporated night law school caps the climax by having a school year of thirty-six weeks, two hours per week. The subject demanded consideration and regulation, and New York attended to both.

The requirement of twelve hours a week of faculty work for thirty-two school weeks was deemed a fair general average condition, and was acceptable to the New York schools; Cornell

exacts fifteen hours a week for thirty-five school weeks, Columbia fourteen hours a week for thirty-three school weeks, and Syracuse fourteen and one-half hours a week for thirty-four school weeks. The requirement that the school must certify and the applicant swear that he was in satisfactory attendance upon and successfully completed the prescribed course of instruction at the law school during the time he was in attendance thereon, was designed to make scholarship and not mere attendance the condition upon which law school time was allowed, and to prevent the indirect sale by law schools of time certificates to students who failed in or who refused to take their examinations. A few schools, however, cannot be reached in that matter, and we are afraid that the pernicious practice is still followed by some of them. The standard rules should contain a law school clause similar to one above set forth.

We have but one other suggestion. The New York State Bar Association adopted the Code of Ethics formulated by the American Bar Association, and it recommended that the New York Court of Appeals amend its rules regulating admission to the Bar by requiring each applicant for admission to practice to state in the affidavit filed by him on his application that he has read the Canons of Professional Ethics adopted by the New York State Bar Association, and has faithfully endeavored to make himself acquainted with the same, and that he will endeavor to conform his professional conduct thereto.

The court has the amendment under consideration. Such a rule, if there is any virtue in these times, will compel the reading and study of the Canons of Ethics, and force the knowledge of their existence and moral obligations upon every applicant for admission, many of whom might otherwise ignore them. It is a requirement which must be productive of good. In addition, the State Bar Association requested the State Board of Law Examiners to examine on said Canons of Professional Ethics all applicants applying to it for admission to the Bar, and that the faculties of all the law schools within the state be requested to teach the subject of professional ethics.

The Bar examiners have complied with the above request, and

it is gratifying to know how much good the requirement has accomplished; applicants to whom the subject of professional ethics was a sealed book or in the clouds are now seriously reading, studying and memorizing the Canons. Their answers to questions thereon are interesting and instructive; somewhat high-flown and sophomoric, but, nevertheless, they have the true ring and all the appearances of sincerity. We strongly recommend that similar conditions be placed in the standard rules.

There is a practical side to the matter of obtaining the enactment of rules regulating admission to the Bar which should be considered. There is always more or less difficulty and opposition, and it generally takes years to accomplish results. That may be due to the fact that in most states it is a legislative or political and not a judicial function, and that many county politicians have hopes of eventually becoming lawyers, and do not wish the gates to be closed by requirements which they cannot meet, or perhaps it is because the legislator has a tender spot in his heart for the "poor lad" who may be foreclosed, or because he himself having been admitted under the old conditions does not realize the necessity of advancing the requirements, or because he believes that every man admitted will find his level, or because there is always room on top, or because he fears his constituents, with whom lawyers are not always popular, may think that the proposed rules are giving them special privileges. Doctors, dentists, horse doctors, horseshoers and the like can obtain all the protection they ask for, but it is difficult to procure legislation raising conditions for admission to the Bar, and for that reason too much should not be demanded at the outset. The law schools should not endeavor to control the situation, and should be reasonably content to be in advance of the state rules, and require for their degrees even higher standards than the rules, which should never exceed in their requirements more than the average intelligence of the community will stand for.

If a law professor believes that a good and sufficient education in the law cannot be obtained by less than four or five years of law school attendance, well and good. None will dispute with him or his proposition, but he should not as part of his belief

insist that the state make the Bar admission requirements similar, because he knows that he cannot keep in his school much beyond the time required by the state rules, the student who is impatient to begin his life work.

If the law faculties think that no one should be allowed to matriculate at their law schools unless he is a graduate of a proper college or university, that is their privilege, but they should not demand a college degree as a condition for admission to the Bar examinations. Why? Not that either proposition is beyond defence, but simply because neither condition would be granted, and all should not be risked in the vain desire to obtain the impossible.

The modern tendency is to shorten the years of study required of professional men rather than to lengthen them, and that demand is so insistent that it is being heeded. In a few years the leading colleges will be granting their arts degree at the end of three years; many of them do so now in effect, by counting the last year in the four-year art course as the first year in the three-year law course, thus bestowing their A. B. and LL. B. degrees in six years from matriculation, and even with that they have great difficulty in holding their impatient law students during the third year. The average age of admission to the Bar in New York state is close on to twenty-six years, and neither the state nor the students will stand for a four-year study requirement, which, it must be understood, we do not oppose.

In New York, graduates of colleges and universities are admitted to the Bar examinations after two years of law study. That time is entirely too short, and the answer papers of the two-year men demonstrate it. We do not approve of the one-year discrimination in favor of college graduates over those who are not, and the results of the examinations afford no reason for the same. Public opinion will not consent that the period of law study of non-college graduates be raised to four years in order that the collegiates may be compelled to study for three years, or in aid of three-year law school courses. We are confronted with a condition and not a theory; two years of law study is too short for any person, and as we cannot get four years for non-graduates,

we advocate the abolition of the discrimination against them, and think that all alike should be compelled to study law not less than three years. We are not quarreling with any theories predicated on the greater age and mental activity and receptivity of college graduates; we contend that two years of law study is not sufficient to qualify any person properly for the Bar.

There should be an entire separation of the law school and the state in the matter of admission to the Bar, and no attempt should be made to conform state rules in relation thereto to the business or educational interests of the law schools.

We think that the standard rules should contain, among others, the following conditions:

(a). That every candidate for admission to the Bar should be a citizen of the United States.

(b). That he should have at least a high school education or its equivalent as defined by state educational authority before he begins the study of the law.

(c). That no candidate should be admitted to the Bar examinations unless he has studied law in the prescribed manner for not less than three years, two of which must be spent in good and regular attendance upon and the successful completion of the prescribed course of study at a proper law school, and one year in the service of a bona fide law clerkship in the law office of a practising attorney in the state.

(d). That law schools whose time is allowable under the rules should meet the requirements heretofore stated and as set forth in the rules regulating admission to the Bar in New York.

(e). That no candidate be certified for admission who does not successfully pass a special examination in pleading, practice and evidence.

(f). That each applicant for admission be required to state in the affidavit filed by him on his application that he has read the Canons of Professional Ethics adopted in the state, or in lieu thereof those adopted by the American Bar Association, and has faithfully endeavored to make himself acquainted with the same, and that he will endeavor to conform his professional conduct thereto, and that the examiners be requested to examine on said

Canons of Professional Ethics all applicants applying to it for admission to the Bar, and that the faculties of all law schools within the state be requested to teach the subject of professional ethics.

If the law hopes to maintain its ancient supremacy as the first and the learned profession it has a task before it. We are not pessimistic, but it is fast losing its prestige by reason of the adoption by medicine and other professions of higher educational and professional requirements for entrance thereto, and the consequent inflow to the Bar of those who cannot aspire to medicine or the other regulated professions, and who find the law cheap and easy.

Admission to the Bar should for many obvious reasons represent some cost as well as sacrifice in time, service and study.

We believe that proper rules regulating admission to the Bar honestly enforced, and containing the conditions above set forth, will commend themselves to the people as well as to the profession, be of great public service, tend to elevate the standards of education and morality at the Bar, restore to it its primacy, and be a monument to the intelligent action of the American Bar Association which formulated them and aided in their adoption.

# THE STUDY OF LAW BY CORRESPONDENCE.

BY

JAMES PARKER HALL,

DEAN OF THE UNIVERSITY OF CHICAGO LAW SCHOOL.

During the past twenty years correspondence study of all kinds has increased in this country by leaps and bounds. Long regarded with suspicion by institutions of higher education, correspondence courses are now offered in a large number of subjects by several prominent American universities, and a much larger number of students are enrolled in private correspondence schools. A great variety of subjects are taught in this way, many of them very well taught indeed. The work appeals to a class of students whose attitude toward their education can scarcely be improved. They are earnest, ambitious, hard-working men and women, more mature in years than the average college student, and vastly more mature in the sober experiences and responsibilities of life. They labor under the handicap, for the most part, of devoting their best energies to something else before they can find time for their study; but their eagerness to make the most of their opportunities does much to offset this. Students who have done academic work by correspondence at the University of Chicago, and, with this to their credit, have entered the university and pursued resident work, have, on the average, done better in such resident work than have students who have entered the university with advanced standing from other approved colleges. This may not be interpreted, of course, to mean that correspondence work is superior to resident work, for undeniably the very best students are those who have spent the full time in residence; but it indicates the superior diligence and enthusiasm of the correspondence student.

The genuine value of much of the work done by correspond-



ence is beyond successful dispute. The imagination is inspired by the possibilities of work of this character, open to any one of sufficient preliminary education and a little leisure, and reaching thousands who may never hope to attend resident schools after they can earn their own living. One would be glad to believe that home study could open all the doors of opportunity; but unhappily this is not true. As with many other ideas of genuine merit, the principle of correspondence study has been exploited for gain in fields where it is of little value. People are told that they can learn to draw cartoons, that they can learn to write advertisements, that they can learn to sell real estate, and that they can become lawyers—all by mail. They are not told that they can become doctors and dentists and pharmacists in this way, because our states some years ago decided that it was unwise to intrust the bodies of their citizens to practitioners not trained in appropriate professional schools. Some day they will regard men's property and rights as worthy of similar protection. Until then correspondence schools of law and of piano-playing will flourish.

Correspondence law schools direct their appeal to two classes of persons: (1) Those who wish to acquire some knowledge of law for purposes of business or of general information; and (2) those who wish to become practising lawyers. Concerning the first class I have nothing to say, except that frequently the books required to be bought are not well adapted to their ostensible purpose. As regards the correspondence study of law, conducted under the representation that this is an adequate method of preparing for practice, one can only say that it is a fraud, quite comparable with the bogus claims of many patent medicines and get-rich-quick schemes. One or two correspondence schools state that their work is not intended as a substitute for that of a resident law school, and that they offer it only to students who cannot possibly attend the latter. This position can be criticised only in so far as it leads prospective students to believe that correspondence work is an adequate, although inferior, method of preparing for the Bar. Most correspondence schools, however, make no such modest claims. I quote a paragraph from the circular

letter sent to inquiring students by one of the most pretentious of these schools:

“Combining, as we do, the most able faculty, together with the best series of text-books ever written, we believe that we are fully justified in our claim that the instructions issued by this institute are far superior to those offered by any other correspondence school, and the equal of any of the larger resident law-schools.”

It appears that the able faculty, as well as the text-books, are written. Is this a cryptic intimation that both exist upon paper? Then follows an offer to cut the regular tuition fee for the complete three-year course from \$200 to \$75, which is apologetically explained as being necessary to cover the cost of books—the instruction being absolutely free. The books, it should be said, are published by the same concern in another one of its Protean forms. Doubtless the accomplished dean of this “most able faculty” would be the first to repudiate such representations; but what is a dean, that he should think of controlling the advertising department?

Why is it that a correspondence law school cannot really do anything like as good work as a resident law school, and what do the present correspondence law schools really do for their students? An adequate professional training for law requires far more than the reading of text-books, however excellent. It should compel the student to think, carefully, frequently, and steadily, in the face of controversy, about a great variety of legal problems that are to be solved by the application of legal principles; and it should also train him to use law books, and to weigh, compare, and distinguish precedents, just as a lawyer must do. Theoretically, it would perhaps be possible to do the dialectic part of the work by mail, provided that teacher and pupil were both tireless correspondents; but no such instruction could be carried on by circular form letters, designed to answer supposedly typical difficulties, and so few students could be handled by a single instructor in this way that it would be quite impracticable as a commercial proposition. Even thus, the student could not gain the necessary familiarity with law books at large, and an

experience in dealing with precedents to establish or controvert legal propositions.

In fact, what he may get from the correspondence law school is a set of books dealing in a dull, inaccurate, and insufficient way with the principal topics of the law, the profit on which forms a substantial part of the school's income. Sometimes the school seems to have been started largely to sell the books. In one instance the unannotated text of a large law encyclopedia is used; an excellent work for lawyers, but of little value to students for lack of discussion of principles. Several of the better correspondence schools, however, are not fairly open to criticism in this respect, but use the standard elementary treatises for students still employed in those resident schools that have not adopted the case method of study.

In the next place, the student is usually given a circular of directions regarding his study, which often contains excellent suggestions. He also receives, at intervals, examination papers, containing questions which he is asked to answer, sometimes without the aid of his books, and sometimes with all the aid he can obtain from them. Almost without exception these questions are valueless as a stimulus to thought. Frequently they follow the language or arrangement of the text in such a manner that it is almost impossible to answer them wrongly. Many of them simply call for conventional definitions, and too few of them deal with matters of any practical legal interest. The student's answers to these questions are returned to him, with a few perfunctory comments, and sometimes some circular matter intended to correct the commoner mistakes. Mistakes of an unusual character are often overlooked by this mechanical treatment. I have seen some examination answers returned by one of the better correspondence law schools, in which the most naïve and startling statements had passed unchallenged, apparently because the overworked reader had not been looking for such extraordinary blunders. When the examination papers are marked, it is rare that the grade is not sufficiently encouraging, so that the student will continue to pay his installments. Sometimes copies of a few special lectures upon various topics are sent at intervals to be

used with the text-books. The quality of these is more frequently rhetorical than legal.

In all this we see the too familiar spectacle of money coined from the hopes and ambitions of the ignorant and ill-advised. A method of education that within its proper limits has carried new hope to thousands is here prostituted to practically useless ends. I have not spoken of the grossly fraudulent representations regarding the recognition of correspondence work by resident law schools and by Bar examiners, which are constantly made by a few correspondence law schools. I am glad to believe that most of them, at least, steer clear of criminal or civil liability; but, from what I have seen of the commercial and educational methods of correspondence law schools, I believe that they belong in the same class with enterprises which advertise mining stocks, rubber plantations, medical cure-alls, and the teaching of aërial navigation by mail.

# PROCEEDINGS

## OF THE

### SECTION OF PATENT, TRADE-MARK AND COPYRIGHT LAW

The Section of Patent, Trade-Mark and Copyright Law of the American Bar Association met in the County Building, at Detroit, Michigan, on August 27, 1909.

In the absence of Robert S. Taylor, the Chairman of the Section, the meeting was called to order by the Secretary, who then read a letter from the Chairman, stating that by reason of illness in his family he would be unable to attend the meeting of the Association.

On motion of Robert H. Parkinson, of Illinois, Melville Church, of Washington, District of Columbia, was elected Chairman pro tem.

On motion of Robert H. Parkinson, of Illinois, seconded by Arthur Steuart, of Maryland, the following resolution was unanimously adopted:

We much regret the absence of our Chairman, and especially its cause, his wife's illness. We sympathize with him in his anxiety and hope for her speedy recovery. We salute them, and assure them of our earnest wish for their health and happiness, and that he may long continue and enjoy the useful and eminent services as lawyer and citizen which have distinguished his life and deserved and secured our grateful recognition and affectionate regard.

Arthur Steuart, of Maryland, on behalf of the Committee on Patent, Trade-Mark and Copyright Law, reported briefly regarding the progress which had been made in Congress towards establishing a Court of Patent Appeals.

Thereupon, Elliott J. Stoddard, of Michigan, briefly discussed the matter of the proposed Court of Patent Appeals, and offered

some suggestions as to certain features which he thought should be considered.

The Secretary read a paper prepared by John W. Hill, of Chicago, Illinois, entitled "Looking Forward," giving a brief review of the proceedings of the constitutional convention in relation to patents for inventions, and the cause and effect of the constitutional provisions in relation thereto.

*(Mr. Hill's paper follows these Minutes, page 805.)*

Mr. C. C. Linthicum then addressed the meeting, particularly with reference to the probable establishment of the proposed Court of Patent Appeals, pointing out the importance to the patent system of having that court properly constituted in the first instance, and calling attention to certain dangers to which the members of the patent Bar should be alert.

Arthur Steuart, of Maryland, then briefly reviewed recent decisions under the British Patent Law with reference to the revocation of patents for non-working, and then broached the question as to devising means for simplifying the taking of testimony in equity cases in the federal courts. After general discussion of this subject, it was moved by Robert H. Parkinson, of Illinois, and seconded by Walter A. Knight, of Ohio, and unanimously carried, that a committee of five be appointed by the Chairman of the Section, from the members of the Section, to confer with the special committee of fifteen of the American Bar Association on Reform in Judicial Procedure, with reference to reforms in federal procedure as applying to patent cases. Subsequent to the meeting, said committee was appointed as follows: Arthur Steuart, of Maryland, Chairman; Edmund Wetmore, of New York; Frederick P. Fish, of Massachusetts; Charles Martindale, of Indiana; and Robert H. Parkinson, of Illinois.

Thereupon, on motion of Arthur Steuart, of Maryland, duly seconded, Robert S. Taylor, of Indiana, was unanimously re-elected Chairman, and Otto R. Barnett, of Illinois, was unanimously re-elected Secretary of the Section.

The Section then adjourned.

OTTO R. BARNETT,  
*Secretary.*

## LOOKING FORWARD.

A BRIEF REVIEW OF THE PROCEEDINGS OF THE CONSTITUTIONAL CONVENTION IN RELATION TO PATENTS FOR INVENTIONS, AND THE CAUSE AND EFFECT OF THE CONSTITUTIONAL PROVISION IN RELATION THERETO.

BY

JOHN W. HILL,

OF CHICAGO, ILLINOIS.

In the brief time I shall occupy your attention, I shall not talk shop nor the details of practice and decisions of the courts, but shall simply seek to call your attention to a few historical facts intimately associated with the patent branch of the law. They are familiar to many and perhaps to all here. They were, however, thought by some to be of sufficient interest to take up your time for a few moments. I trust they may be of interest to all.

The Constitution of the United States is often pointed to by those who have studied its provisions and noted the important results based upon it, as a marvelous example of foresight on the part of the statesmen who framed it. Different sections have been pointed to from time to time, and the effect upon the development of the nation traced with pride and admiration. It is often said that our ancestors "builded better than they knew" in framing the Constitution, while similar expressions emphasize the admiration of the person giving utterance to them. How far the framers of the Constitution saw the almost inevitable results of their labors cannot be known, and without the genius of a Marshall and those who succeeded him in giving a wise interpretation to the provisions of the Constitution, the results would undoubtedly have been not only far different from what they have been, but also far different

from the hopes and anticipations of the framers of the document on which the whole system of our government rests.

Without undertaking to review the Constitution or the particular sections that have from time to time excited the admiration of students and statesmen, attention is called at this time to an important section, which has perhaps had as much, if not more to do with the material prosperity of the country than any other.

Article I, Section 8, of the Constitution, defining the powers of Congress, includes as Clause 8 the power

“to promote the progress of science and the useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries.”

On this clause of the Constitution is based our patent and copyright laws.

To fully understand the reasons leading to the introduction and adoption of this section, it is well to note the situation.

The four million people making up the population of the thirteen colonies or states included people of all classes and many nationalities. Like all pioneer people, they were adventurous, brave, self-reliant and independent. They were abundantly able to provide the food products necessary, but the greatest necessity existed for the products of the factory, the shop and the foundry. Their implements were of the crudest kind, while their clothing and manufactured articles of all kinds were of the simplest nature. The better grades of manufactured articles were imported mostly from England, and at a comparatively enormous expense, the shipping and transportation facilities being practically controlled by the mother country until the close of the war of the Revolution.

The people, while adapting themselves to the existing conditions, realized the disadvantages they labored under, and this was particularly true of those who were born in Europe or had enjoyed the opportunities of observation by travel.

The Constitutional Convention which was made up of the most influential citizens of each state, included among its members many who had traveled extensively and had thought deeply



on various problems designed to improve their homes and the conditions existing in the land they loved so dearly. These problems, including the steps deemed necessary to free them from the domination of the European countries and particularly that of England, had undoubtedly been the subject of deep study and many discussions among the people of the various states. One of the most important subjects was the best means to encourage the manufacturing industries to provide those things at home that they were then obliged to import, and which were becoming more and more necessities.

We are often struck with the intimate knowledge our ancestors possessed of the history of older countries where civilization had progressed far beyond anything then possible in the new world. Among the members of the Constitutional Convention were undoubtedly men who had studied the history of other nations to the extent that they were thoroughly familiar with the fact that the arts and sciences in those countries advanced in proportion to the degree of encouragement and patronage bestowed upon those interested in such subjects. The histories of Greece, Rome and England, as well as some other countries, clearly demonstrated this, and in those countries which had been the most liberal in this direction was to be found the greatest advance and the highest civilization. This perhaps was more marked in the arts, but in many cases, also, particular industries and sciences had advanced to a marked extent, due to the encouragement by certain patrons or sovereigns.

England, which had formerly issued to favored individuals in certain industries and trades, exclusive grants creating monopolies, had discovered the error of her ways, and Parliament had declared those grants void, at the same time specifically reserving from the effects of those laws, grants for a limited period for inventions and discoveries; and the mother country was beginning to feel the effect of its wise action and was in many respects leading the countries of the world in her manufactured articles.

The framers of the Constitution were probably guided by this knowledge and had a clear understanding of the fact that

encouragement in this direction would serve to stimulate the genius of the people and inevitably lead to great improvement in this country.

When the Convention met at Philadelphia on May 14, 1787,<sup>1</sup> Washington was one of the delegates from Virginia, and was unanimously chosen President of the Convention, and occupied that position throughout its sessions. Nathaniel Gorman, of Massachusetts, was elected Chairman of the Committee of the Whole. Washington took an active part in the work and undoubtedly in the debates. Unfortunately, the debates were not preserved, but only meager notes of the proceedings, those of Madison being the most complete. The records of the formal proceedings are very meager.

After a general discussion relative to the rules of procedure and the general scope of the instrument they should formulate, a committee of eleven—one from each state represented at that time—was appointed to prepare and present a draft of the Constitution as far as the Convention had then proceeded.<sup>2</sup> After some time this committee reported a draft of the Constitution which formed the ground work or base upon which that instrument was finally approved by the Convention and adopted by the several states.

The convention, on August 18, 1787, voted to include among the powers vested in Congress the power

“To grant patents for useful inventions. To secure to authors exclusive rights for a certain time.”<sup>3</sup>

The report of the committee of eleven was made on September 5, 1787, and in it is included the clause of the Constitution as it was finally adopted and stands today.<sup>4</sup>

<sup>1</sup> The convention first met on May 14, 1787, and was organized on May 25, 1787. Documentary History of the Constitution of the United States, Vol. I, pp. 48, 49.

<sup>2</sup> Documentary History of the Constitution, Vol. I, p. 79. (See also p. 173.)

<sup>3</sup> No information is given as to the author of this suggestion. (Documentary History of the Constitution, Vol. I, p. 131.)

<sup>4</sup> *Ib.*, p. 181.

It is a remarkable fact that while there were extended and even bitter debates on most of the provisions of the Constitution, and nearly every section was weighed, amended and modified to meet the views of the convention, the provision upon which our patent and copyright laws are based, aside from the correction of a slight and obvious clerical error, was not amended nor changed to the slightest extent from the form in which the committee of eleven first presented it, nor was it debated to any extent. It seems to have been a provision recognized as wise and necessary by all, and met with the unanimous approval of the entire convention. Not only this, but as the various states took up the Constitution for consideration and approval every section was jealously scanned, and, while it was adopted, in some cases it was accompanied by suggestions of desired changes, and in others by caustic remarks and thinly veiled threats and defiance. Yet in all this examination, not a word of criticism of the above section was made, nor the slightest change or modification suggested.

All this clearly indicates what is learned from other sources, that the people unanimously appreciated the importance and necessity of in some way encouraging the mechanic arts and the establishing of manufacturing industries of all kinds at the earliest possible moment, and the general belief that this section would accomplish such a result. The promulgation of the doctrine of the protection of infant industries some years later, which has assumed such an important position in our national politics of late years, was based upon the same motives and had in mind similar results.

Washington, who had been President of the Constitutional Convention and had heard all features of the Constitution debated *pro* and *con*, clearly expressed his opinion of the importance of this section and the advantages to be derived from it in his first message to Congress. In this he classes it as of equal, if not greater importance, with the encouragement of agriculture, commerce and post-offices and post-roads, in the following language:

“The advancement of agriculture, commerce, and manufac-

ture, by all proper means will not, I trust, need recommendation; *but I cannot forbear intimating to you the expediency of giving effectual encouragement as well to the introduction of new and useful inventions from abroad as to exertions of skill and genius in producing them at home,* and of facilitating the intercourse between distant parts of our country by a due attention to the post-office and post-roads.” (Italics mine.)<sup>5</sup>

This message was sent to Congress on January 8, 1790, and as a result the first Congress early in its session, and as one of its first acts, enacted the first law in relation to patents. This was the Patent Act of 1790, and was approved April 10 of that year. It was brief, and was repealed three years later, when the Patent Act of 1793 was enacted and approved, February 21, 1793.

The people of this country at that time, made up of many nationalities, possessed no greater ability, as inventors or discoverers of new means and methods than did the people of the countries from which they came, except, perhaps, that their necessities as pioneers drove them to more independent action and to attempt results unknown before and unnecessary in the older countries from which they came. The patent laws of England were meager and had not accomplished a great deal except in a few specific instances. The mechanics and laborers in England were violently opposed to any innovations by the introduction of labor-saving machinery or other economic methods which would reduce the number of employees, as it would throw people out of employment who, by their method of living could not readily adapt themselves to the changed conditions. Inventions in that country had therefore been retarded to a great extent, and the uncertainty of reward by reason of those conditions also served to retard any marked advance in this direction. The same prejudices have existed among a certain class of people in this country, and such people can be found even at this date who will earnestly argue and probably sincerely believe that inventions are an injury to a country rather than an aid. •

<sup>5</sup> Messages and papers of the presidents. (Vol. I, pp. 66, 68, 69.)

The effects of the patent laws in this country, consequently, were not immediate, although they were unmistakable. For the first fifty years, but few patents were taken out. Up to July 28, 1836, forty-six years after the first patent laws were placed on our statute books, but 9957 patents had been granted by this government. Up to that date, patents had not been numbered, as they have been since, and it is easy to determine how many patents have been issued since that date. The number of the last patent issued under date of August 3, 1909, is 930,333. Consequently, that number of patents have been issued since July 28, 1836, about sixty-three years. Perhaps we can form a clearer conception of the subject by stating that in the year 1840—fifty years after the enactment of the first law in relation to patents—when the population of the United States was a trifle less than 17,000,000, but 473 patents were issued, while last year, 1908, there were 33,682, our population being estimated at something less than 90,000,000. About 10 per cent of the patents issued last year were issued to foreigners, leaving the number of patents issued to citizens of this country at something over 30,000.

From this it is interesting to note that while the population of the United States has increased since 1840—fifty-nine years—about 530 per cent, the number of patents issued in 1908, as compared with the number issued in 1840, shows an increase of over 6400 per cent. This clearly shows the stimulating effect of our wholesome laws encouraging inventions.

The effect of this upon our commercial progress is not only interesting but most important. We are accustomed to hearing public speakers and others extol our tariff laws, apparently with the idea that the great progress of this country is controlled by them. Undoubtedly, it is to a large extent. The prosperity of this country, however, depends more upon the possibility of running our factories at comparatively their full capacity, thereby employing our mechanics and producing a market for raw materials. Of course, incident to this there are also all the other lines connected with the industries, including our transportation lines, which are largely dependent

upon the shipping of raw materials and of manufactured products. In order to run our factories at their full capacity, however, it is necessary that an outlet be made for any excess necessary to supply this country, and that outlet is found in the trade with foreign countries. Such an outlet, however, will not be available unless our manufacturers can sell their product in those countries in competition with the products of the factories there. They must either sell a better article at the same price, or an equally good article at a lower price; and when it is taken into consideration that mechanics and laborers in those countries are paid much lower wages for longer hours of labor than they are in this, the importance of improved and automatic machinery can be readily seen.

Many people in this country, including some of our courts, are apparently impressed with the idea that only inventions marking great advances in the arts are worthy of the name, and that only inventors that produce such are entitled to protection. How fallacious this argument is becomes apparent when even a superficial investigation will disclose the fact that the important improved machinery in this country that enables us to pay our mechanics higher wages for fewer hours' labor, has been produced in many cases by slight changes, rendering possible a larger product with the same force, or substantially the same output with fewer operatives. Everyone of experience has often had his attention called to slight changes in machines whereby perhaps from one to a dozen men can be dispensed with, thus enabling the manufacturer to sell his product at a lower price in competition with others who do not use the improved machine. We have all known of machinery which has cost thousands of dollars being abandoned and displaced in a few years to make way for later and more improved machinery which would employ fewer hands or increase the output to permit the more economical manufacture of the product. It is just such inventions as these that have made it possible for the manufacturers of this country to sell their products in foreign markets in competition with the goods produced there, while in this country our mechanics receive higher wages and

work fewer hours and are better educated, better clothed, better housed and better fed as a rule than in any other country. At the same time, the product is cheaper, and can be sold in competition in those countries where the conditions are different and much lower wages are paid.

It will thus be seen that public policy was primarily, and still continues to be, the foundation of our patent laws, and the wisdom of those laws is irrefutably demonstrated in the national prosperity, due in a large measure to the ability of our manufacturers to run their plants at full blast, disposing of the excess product in foreign countries without serious danger of over-production at home. This has all been brought about in five generations, a comparatively brief time. Foreigners, too, contribute their share in this direction, and last year nearly 10 per cent of the patents issued in this country were granted to foreigners. Truly, the desire of Washington, as expressed in his first message to Congress, has been realized, and our patent laws have given

“effectual encouragement as well to the introduction of new and useful inventions from abroad as to exertions of skill and genius in producing them at home.”

One of the most experienced jurists in this country, in a late decision, quoting from an article on this subject, said:

“Public policy is the very foundation of the patent system, and the only reason for its existence. The theory of the constitution is that patents are granted, not as a reward for the past, but as a stimulus for the future—to encourage the making of further improvements and discoveries. But if public policy requires them to be granted for that purpose it equally requires them to be sustained and enforced. The absurdity of trying to encourage invention by granting patents and then holding them invalid is too obvious for comment. . . . It needs no argument to show that the courts should exercise exceptional care to protect the inventors of minor improvements in the arts. True their claims are often difficult to properly construe because they closely approach the invisible line which separates patentable invention from mere skill and judgment; but that is no reason why the benefit of the doubt should always be given to the infringer. . . . Public policy is far better promoted by the friendliness which would go too far in sustaining patents than

by the cold indifference which would not go far enough, for the stimulus to the making of improvements is only increased by the former while it is deadened and destroyed by the latter.”\*

Notwithstanding the important part that inventors have played in our national progress, the records of our courts show that the authors of our greatest inventions have had to fight their tedious way through the courts at great expense to save their rights under the Constitution, while those who have made inventions of minor importance have, as a rule, indeed had “hard sledding.” Notwithstanding this, however, the work goes on and the success of the few constantly stimulates the efforts of the many, while the inventions of value constantly add to our success as a manufacturing nation and to the prosperity of our land.

Our population is constantly augmented by the more self-reliant and independent from foreign lands who gravitate here as the Mecca of their hopes, hopes planted in their hearts and fostered in their minds through generations before them—a land where every man has an equal chance, dependent only upon his own ability, his energy and his perseverance. These form an important addition to our army of inventors constantly striving to make better that which has before sufficed.

If he who makes two blades of grass grow where before there was but one is a public benefactor, what must be said of our great army of inventors, most of them of limited means, who indomitably and hopefully toil on, and who by their creations make it possible for one man to accomplish that which formerly required the joint efforts of two—a dozen—yes, sometimes a hundred or a thousand.

Our progress in the arts and sciences and the beneficent results following from it have justified the prophetic vision of the statesmen who framed the Constitution, and who looked forward to results from generations yet to follow. If some of our statesmen of today were animated by the same patriotic and unselfish motives as our ancestors, we should see more results in a similar direction.

\* Judge Coxe, 97 Fed. Rep. 609.



I cannot close this article without indulging in a word in relation to our courts. Under our present laws, the Courts of Appeal are the courts of final resort in the decision of patent cases. Only occasionally is it possible to bring up a patent case to the Supreme Court at the present time. Each Court of Appeals in the nine circuits is practically an independent court in relation to patent matters, and what could reasonably have been expected has resulted. There is a conflict of opinion among the several circuits in regard to many phases of the patent law, and before a counselor can properly advise a client as to the law it is necessary to know in what circuit the case is located.

It would seem that every argument advanced by our ancestors in support of one Supreme Court for all the states applies with equal force to this subject. The interpretation and administration of the law in relation to a subject of so much importance to us as a nation, and which has so much to do with our national prosperity, should be vested in one court and should be uniform and in full force all over the country. At the present time a court for the specific purpose of passing upon the tariff provisions of our laws is advocated, notwithstanding the fact that means are provided in the act whereby either party may readily appeal to the Supreme Court and the interpretation of the laws in relation to our customs duties thus be made uniform.<sup>7</sup> Such a court will undoubtedly be most useful. However, as before stated, it seems clear that a wise and liberal interpretation of our patent laws has more to do with the general prosperity of the country than perhaps the tariff laws have. It is to be earnestly hoped that the efforts heretofore put forth to secure the establishment of a Court of Patent Appeals will meet early success, and that the application of the patent laws throughout the country may be uniform and consistent with the objects upon which our laws are based and the beneficent results that have flowed from them.

<sup>7</sup> Section 15 of the "Act to Simplify the Laws in Relation to the Collection of the Revenue" June 10, 1890. (Federal Statutes, Annotated, Vol. II, p. 627.)

# PROCEEDINGS

## OF THE

### COMPARATIVE LAW BUREAU

The Second Annual Meeting of the Comparative Law Bureau of the American Bar Association was held in the County Building, Detroit, Michigan, on Monday, August 23, 1909, at 3 P. M.

Simeon E. Baldwin, of Connecticut, Director of the Bureau, presided.

William W. Smithers, of Pennsylvania, Secretary, was also present.

Eugene C. Massie, of Virginia, the Treasurer, sent word of his unavoidable detention in Richmond, but his report was forwarded, with all vouchers and bank deposit book.

The attendance was larger than last year, and indicated a growing interest among lawyers of different sections of the country, probably stimulated by the unusual and interesting Annual Bulletin of the Bureau which appeared in July, 1909, and was sent to about five thousand active attorneys throughout the United States, comprising the American Bar Association, universities, law libraries and kindred institutions, besides many legal societies and foundations abroad.

Besides those attending in person by reason of their membership in the American Bar Association, which makes them members also of the Bureau, the following institutional members were represented by written communications or by the delegates named:

Pennsylvania Bar Association: William W. Smithers, Francis Fisher Kane and William D. Neilson.

Bar Association of District of Columbia.

University of North Dakota Law School: Andrew A. Bruce, H. A. Bronson.

University of Maine Law School.

Harvard University Law School: James Barr Ames, Samuel Williston.

Yale University Law School: Simeon E. Baldwin, Henry Wade Rogers.

University of Pennsylvania, Department of Law: William Draper Lewis, William E. Mikell.

Law Association of Philadelphia: William Righter Fisher, William W. Smithers.

Temple University, Department of Law.

California State Library.

Bar Association of the City of Boston.

State Law Library of Washington.

Connecticut State Library: Simeon E. Baldwin.

Law Department, University of Minnesota: Rome G. Brown.

University of Chicago Law School: Julian W. Mack, Ernst Freund.

Cornell University, College of Law: Frank Irvine, Alfred Hayes, Jr.

The Law Library of Dayton, Ohio: George R. Young, J. Sprigg McMahon.

Northwestern University Law School: John H. Wigmore, Frederic B. Crossley. Alternate: George P. Costigan, Jr.

The University of Nebraska, College of Law: William G. Hastings, George P. Costigan, Jr.

University of Missouri, School of Law: John D. Lawson, Selden P. Spencer.

Indiana University, School of Law: Jesse J. M. La Follette, Charles M. Hepburn.

Law School, Western Reserve University: E. H. Hopkins, Homer H. Johnson.

Ohio State University, College of Law: George W. Rightmire, William Herbert Page.

Boston University Law School: Edward A. Harriman, Thomas Z. Lee.

Pittsburgh Law School: James C. Gray, Charles B. Fernald.

On motion, the reading of the minutes of the previous meet-

ing, held on August 24, 1908, was dispensed with, as those minutes appear fully in the last annual report of the American Bar Association.

The Director then delivered his annual address.

*(The Address follows these Minutes, page 821.)*

Upon the conclusion of the Director's address, announcement was made that the annual report of the Board of Managers to the American Bar Association, including the Treasurer's report, had been printed by the Association and distributed.

On motion, the reading of these reports was dispensed with.

On motion of William D. Neilson, of Pennsylvania, the Treasurer's report was received, approved and filed.

Under the head of new business, a communication from George S. Godard, librarian of Connecticut State Library, a member of the Bureau, calling attention to a plan for establishing a National Legislative Reference Bureau as projected by the National Association of State Libraries and the American Association of Law Librarians, was read by the Secretary.

William D. Neilson, of Pennsylvania, moved the adoption of the following resolution:

*Resolved*, That this Bureau looks with favor upon the proposed establishment of a National Legislative Reference Bureau under the plan formulated by the National Association of State Libraries and the American Association of Law Librarians in 1909, as tending to promote the study of comparative law in this country.

The resolution was adopted.

The Secretary read the following resolution filed with him before the meeting:

WHEREAS, Complaints and objections have arisen from courts, lawyers and others in regard to the translations of the laws of our Insular Possessions, as published by the War Department, on the ground of inaccuracy and unreliability, and as having been performed by persons unskilled in the law, therefore,

*Be it resolved*, That the Secretary of War be given information of said objections, inaccuracies and imperfections, with an expression of the hope that he will take early steps to cause a revision of such translations to be made by some one or more persons who shall be proficiently conversant with Spanish and English, and also skilled in the civil law and the English common law.

Francis Fisher Kane, of Pennsylvania, moved that the resolution be referred to a special committee of three, to be appointed by the Director, and having the qualification of familiarity with the Spanish language and law, with instructions to consider the resolution, and report its conclusions and recommendations to the Board of Managers, and also that the Board have power to take such action on said report as it may deem necessary and proper.

William D. Neilson, of Pennsylvania, seconded the motion to refer.

The motion was adopted after a spirited discussion, participated in by Edgar H. Farrar, of Louisiana; E. Z. Lorenzen, of the District of Columbia; Julian W. Mack, of Illinois; John H. Wigmore, of Illinois; and William W. Smithers, of Pennsylvania.

The Director thereupon appointed the following committee:

Robert J. Kerr, of Illinois, Chairman; E. Z. Lorenzen, of the District of Columbia; Joseph Wheless, of Missouri.

There being no further new business, the Director announced as next in order the selection of officers and five Managers for the ensuing year.

On motion of William Righter Fisher, of Pennsylvania, it was resolved to consider the office of Director separately.

On motion of Francis Fisher Kane, of Pennsylvania, Simeon E. Baldwin, of Connecticut, was unanimously elected Director for the ensuing year, the motion being put by the Secretary.

Julian W. Mack, of Illinois, moved that a Nominating Committee of five, to be named by the Director, be appointed to suggest candidates for the remaining offices to be filled, which was agreed to.

The Director appointed the following Nominating Committee:

Julian W. Mack, of Illinois, Chairman; James H. Jeffries, of Kentucky; George R. Young, of Ohio; Levi Turner, of Maine; Samuel Williston, of Massachusetts.

The committee having retired, presently returned and reported the following nominations:

For Secretary, William W. Smithers, of Pennsylvania; for Treasurer, Eugene C. Massie, of Virginia.

For Managers: James Barr Ames, of Massachusetts; Andrew A. Bruce, of North Dakota; William Draper Lewis, of Pennsylvania; Roscoe Pound, of Illinois; John H. Wigmore, of Illinois.

On motion of Gordon E. Sherman, of New Jersey, the nominees were unanimously declared elected for the ensuing term.

The Director requested the Secretary to make a supplemental note to the minutes of the meeting, recording the names of the four additional Managers to be appointed by the incoming President of the American Bar Association, as required by the By-laws, upon receiving notice of such appointments.

On motion, the Bureau adjourned *sine die*.

WILLIAM W. SMITHERS,  
*Secretary.*

NOTE.—At a meeting of the Board of Managers, held later, Robert P. Shick, of Pennsylvania, was appointed Assistant-Secretary.

NOTE.—The four additional Managers appointed by the President of the American Bar Association are: Edgar H. Farrar, of Louisiana; Edwin A. Jaggard, of Minnesota; George W. Kirchwey, of New York; and Clifford S. Walton, of the District of Columbia.

# THE ANNUAL ADDRESS OF THE DIRECTOR OF THE COMPARATIVE LAW BUREAU.

BY

SIMEON E. BALDWIN.

At the beginning of the year which has now elapsed, the Board of Managers of the Bureau voted not to attempt for the present to give in our bulletins a record of events or decisions pertaining to public international law or of legislation or reported cases emanating from the United States or the states respectively.

It was thought that, with the limited means at our disposal, we could do more effective and helpful work for the Bar by confining our regular publications to the foreign field, and leaving the American lawyer to follow the course of public international law by the aid of the excellent journal of the American Society of International Law.

The bulletin for 1909, already in your hands, shows that we have adhered to this resolution. It summarizes the legislation, jurisprudence, and legal bibliography of thirty-two of the nations of the world, at the cost of much painstaking labor on the part of the editorial staff. These include all the great powers except Russia and, of course, under the vote of the managers, the United States.

It had been intended to give in the bulletin, as a means of informing the Bar as to the progress of law in Russia, some facts derived from the year-book for 1908 of the International Union for Comparative Jurisprudence, etc., of Berlin. Through a misunderstanding this was not done, and I therefore take this opportunity to mention a few of them.

This year-book covers a period beginning in 1903 and ending in 1906.

By a manifesto of August, 1904, flogging was abolished as a

mode of punishment for crime, or in the army, though it may still be used as a mode of discipline in penal and reformatory institutions, to the extent of inflicting not over fifty stripes with a rod. This is the culmination of a movement of humanitarianism which began in Russia early in the latter part of the eighteenth century, and had its best fruit in the emancipation of the serfs, at about the time when slavery was abolished here. It may be doubted if it has not now gone too far. Flogging has many claims to be retained as a punishment for evil-doers of certain kinds, such as wife-beaters and kidnappers. It is only safe, however, for these in a country where the magistrates can be depended on to see that it is not misused, and Russia has hardly felt able, in this matter, to trust herself.

In April, 1905, came a memorable ukase as to religious toleration. It made leaving the orthodox faith to adhere to any other Christian confession no longer a crime or attended by loss of personal or property rights. Children under the age of fourteen follow their parents who make such a change. Those officially listed as members of the state church, but who in fact belong to a non-Christian confession, are, if they wish to be, stricken from the list. Christians of all denominations are also entitled to have foundlings and foster children baptized according to the ritual and precepts of their own faith.

The revision of the penal code, prepared by an imperial commission in 1895, and sanctioned by the Czar in 1903, has not yet gone into effect, and much of it is already antiquated or abrogated.

Of labor legislation I call attention to three measures. The Russian Employers' Liability Act of January 1, 1904, in case of an accident at a factory, in consequence of the owner's neglect to comply with the legal requirements for the safety of his hands, renders him not only liable to imprisonment, but to a penalty of an ecclesiastical nature, to be imposed by the clergy of the confession to which he adheres, such as ringing the church bells or attending mass daily for three months.<sup>1</sup>

<sup>1</sup> Villon, *Russia under the Great Shadow*, 233.



Another law, of quite a different character, was the result of the general strike of the next year. It was enacted in December, 1905, and makes it criminal for a public or national employee to quit work under a strike agreement. In April, 1906, followed a law of a like kind against strikes of agricultural laborers.

A significant feature of the extension of popular institutions is the appearance in 1905 of the first book in the Russian language on offences against the elective franchise, by P. J. Lublinskyi.

The two concluding volumes of the "System of Russian Civil Justice," by K. Annenkowschen, have been published. This work in six volumes gives a full statement of the governing statutory and unwritten law, and is designed to be one of assistance in the every day practice of law. A minor treatise (by B. W. Popows), appearing in 1905, on "The Sharing of the Burden of Proof between the Parties in Civil Actions," shows that questions which embarrass American courts are not unknown in northern Europe.

In 1906 it was expected that there would soon appear the project of a civil code, on which a special imperial commission had been then laboring for nearly twenty-four years. It was understood that it would be divided into five books, the first containing general provisions, and the others respectively the law of the Family, of Land, of Inheritance, and of Obligations. The commission announced as the rules which it has striven to follow: (1) to embody the entire law on the subject in hand, altogether, paying particular attention to those interests which need legal protection especially, on account of their position with regard to rights of person or property; (2) to avoid formalism; (3) to give a broader scope to the discretion of the court; and (4) to facilitate quick access by the parties to the court.

The growing importance of the United States in world politics is indicated by the publication in Russia in 1903 of an essay by Professor W. Alexandrinko on "The Foreign Policy of the United States of North America and the Monroe Doctrine."

A step towards making it easier for American corporations to engage in business in Russia has been taken by her ratification of the treaty on that subject negotiated in 1904 by Secretary Hay.

The Russian government has for some years been proceeding tentatively towards weakening the system of village community administration. It gave an opportunity for those of the villagers who wished to become individual instead of communal proprietors to make an official declaration to that effect. Up to January 1, 1909, 1,300,000 of them did this, and in May, 1909, the Douma passed an act dissolving the communal institutions and providing for the division of communal lands among the inhabitants, in severalty.

As the bulletin refers to but one of the recent measures of German legislation, I will add mention of the statute of May 30, 1908, which will take effect January 1, 1910 (unless put in force earlier by an imperial decree), codifying the law of insurance for the empire.

Among other points settled are these:

SECTION 44. The knowledge of a local agent of a fact material to the risk is not equivalent to knowledge by the insurer.

SEC. 69. Transfer of property insured does not vacate the insurance. It continues in force in favor of the transferee, unless he chooses to vacate it, which he may do at pleasure.

SEC. 130. An insurer of goods in course of transportation is ordinarily not liable for damage due to the negligence of the insured.

SEC. 159. No one can effect insurance on the life of another without his written consent.

Australasia is the quarter to which one now looks most confidently for innovations in legislation.

New South Wales, by her Minimum Wage Act, which came into force January 1, 1909, forbids the employment of any workman in factories, bakehouses, laundries, dye works and warehouses, and of any assistant in a shop, unless at a weekly wage of at least four shillings (\$1.). More than forty-eight hours of work in any week, or work after six o'clock in the evening, must be paid for as an extra. If it be required of a

woman or child, not less than sixpence (12 cents) must also be paid as "tea-money," for refreshments.<sup>2</sup>

Australia has passed an act prohibiting the importation of convict-made goods.

New Zealand, in December, 1908, made significant modifications of her compulsory arbitration law of 1905. The permanent board of conciliation, which that provided for, is replaced by *ad hoc* councils of conciliation. Strikes and lockouts by registered labor unions or employers are both made punishable offenses. Unions not registered cannot be heard before arbitration boards or councils of conciliation. To violate an award or an industrial agreement entails a fine of £5. An employee failing to pay the fine can be sued, or it can be charged in installments against his future wages.<sup>3</sup>

We have called special attention in the current bulletin to the new English child law of 1908, which went into effect April 1, 1909. It has been termed by humanitarians "The Children's Charter." No one under fourteen can pledge anything to a pawnbroker, or enter a bar-room. Tobacco cannot be sold to one under sixteen. No child under seven can be left alone in a room where there is an open fire. Foster-parents cannot insure the lives of children in their care.

All accused of crime, who are under sixteen, must be tried in special juvenile courts, from which the public is excluded.

The bar-room prohibition has led some of the saloon-keepers to provide special waiting-rooms for children, and nurses for babies, so that they can be left outside the bar while their parents are inside. It is certainly hard even for the skill of parliamentary draftsmen to frame a statute which cannot to some extent be evaded.

The Dominion of Canada has passed an important statute affecting patent medicines. Nothing of that kind can be imported if there is in it more of cocaine or of alcohol than it is necessary to use as a solvent or preservative; nor if it contain alcohol,

<sup>2</sup> Am. Pol. Science Rev., III, 243.

<sup>3</sup> Am. Political Science Review, III, 209.

unless it is so medicated as to prevent its use as a beverage. This went into effect April 1, 1909.

It has also followed England in adopting the system of pensions for the old; basing it on the joint contribution of the individual and the Dominion. This is the Government Annuities Act of 1908. Annuities for old age can thus be secured to an amount not exceeding \$600. A man of twenty, by paying twenty-five cents a week till he reaches sixty, can then be sure of a pension of about \$130 a year. Should he die before the annuity becomes payable, his next of kin will get back all that he paid with compound interest at the rate of three per cent.

England is now under her legislation contributing over forty-three and a half million dollars a year to old-age pensions.

The municipality of Strasburg in Alsace-Lorraine has adopted an ordinance, by which it gives its direct aid in insuring employment to its wage-earning citizens, of good character, and industrious habits, who are members of labor unions. To whatever the union pays for relief to its members while out of work, the city adds one-half more.

The general tendency of the times is, no doubt, for each country to endeavor to keep its good things for its own citizens. Immigration is not so welcome as it was; naturalization not so easy.

But it is interesting to observe how often legislation looking in these directions is soon found unavailing to resist the greater forces now governing world-commerce and world-intercourse.

Hungary, in 1907, passed a statute requiring employers of Hungarian labor on Hungarian soil to insure them against accidents. The consequence was that the employers whose works were near the frontier very generally discharged their Hungarian workmen and employed Servians, Bulgarians and Roumanians. An administrative order was thereupon made, requiring the insurance of these foreigners also.\*

The coming Conference at the Hague of official delegates from all countries, to which allusion is made in the bulletin, to devise

\* Report of the International Law Association, XXV, 513.

a uniform law as to bills of exchange, ought to lead eventually to a favorable result; but it would be too much to expect that uniformity can be secured without considerable delays, in a matter requiring some concessions by almost every power. The International Law Association, at its meeting in 1908, at Budapest, formulated certain rules, which deserve, and no doubt will receive, the serious consideration of the Conference. One of them, which would bring a new feature into American law, makes it indispensable that the words "bill of exchange" or its equivalent, shall appear on the face of the instrument. Another refuses validity to a parol acceptance.

The student of comparative constitutional law is indebted to Walter F. Dodd for two volumes published in 1909 from the University of Chicago press, in which are collected and given in English the fundamental laws of twenty-two of the most important powers. Carefully prepared historical notes add to the value of the work.

It makes a convenient complement to Thorpe's American Charters, Constitutions, and Organic Laws, published by the Government in seven volumes in 1909.

The doctrine of proportional representation instead of monopoly by majorities has found of late new favor in many countries.

Cuba adopted and put in force, in 1908, a scheme to secure it, which had been worked out in 1907 by a special commission.

Sweden, in 1907, voted to change her constitution, so as to permit it; and the change will become effective in 1910 by a new vote of the Riksdag, passed in February, 1909. It is based on a grant of universal suffrage to all over twenty-four years of age.\*

A striking instance of the extreme caution that must be used in framing general declarations of rights in a written constitution has recently occurred in Turkey.

Under her new constitution no privileged bodies can be tolerated. All citizens are to stand politically on an equal footing.

Greek subjects have, under the old government, had certain guaranties of the free exercise of their religion, and of liberty of conducting the education of their children. The bishops

\* Am. Pol. Sci. Rev., II, 587, III, 214.

of the Greek Church were *ex officio* civil magistrates as respects the members of that church, with a large jurisdiction, particularly over succession, inheritance, divorce and crimes.

The new administration proclaims its intention to treat the constitution as not impairing these ancient privileges; but in its projects for legislation it proposes to allow instruction in the Greek language only in the primary schools, and only there if the pupils are all Greeks, and also to recognize no distinctions of religion in the military service; whereas heretofore Christians have not been enrolled.\*

In closing let me refer to the new movement towards furthering uniform state legislation, initiated by the National Civic Federation, and to support which it has issued a call for a national conference, to be opened at Washington on January 5, 1910.

It goes without saying that the National Civic Federation and any other body through which it may work is less likely to prepare laws with proper care and to consider possible objections of a local character to any particular project for general legislation, than is an association of lawyers. It is only by lawyers that statutes can be safely put in form. Others may suggest lines of action; but only they can be trusted to embody such suggestions in a shape suitable for legislative action.

If this new movement confines itself to suggesting what it leaves to lawyers to work out, it may be helpful to the cause to promote which was one of the main objects of forming the American Bar Association, and is the sole object of the annual conferences of the Commissioners of the states upon Uniform Legislation. If, on the other hand, there is an attempt to do more, and to endeavor to frame statutes for general adoption, the National Civic Federation will have entered a field which is already occupied, and in which good service is being done by existing agencies, supported by the traditions of thirty years and by a history of solid and permanent achievement.

\* The Hellenic Herald, III, 120.

The study of comparative law in Europe received a new impulse from the action of the first Congress on European Federation, which closed a four-days session at Rome on May 20, 1909. The principal promoter and President was the Prince de Cassano, who has been for years an active member of the International Law Association.

This Congress voted to establish a permanent bureau at Rome; to labor to secure an international European tribunal administering a unified law for Europe, and the extension of conventions between the powers for the protection of labor; and recommended the founding of an Academy of Comparative Law.

In the United States there was organized, in June, 1909, at Chicago, what is termed The American Institute of Criminal Law and Criminology, to which several of those connected with this bureau have given their cordial support.

Among its objects are the translation of important works in criminology in foreign languages, and the institution of a special journal.

Another American advance towards a fuller recognition of the importance of comparative law is the action taken by the National Association of State Libraries in joint session with the American Association of Law Librarians, at Bretton Woods, in 1909. This was the acceptance of an elaborate report of a special committee prepared in 1908, and the proposed establishment of a National Legislative Reference Bureau. It contemplates a service to not less than twenty state libraries, at an annual cost of \$2000, by the Law Reporting Company of New York, by which each will receive an index and list of all bills introduced in any of the state legislatures at each session, stating the subject and describing its title and reference; to be followed by reports of the action taken.

It is obvious that such a system would give those interested in favoring or opposing any measure in any one state a clue to what is going forward in other states in the same line, and an opportunity to make any legislation which may be adopted both uniform and well-considered.

PROCEEDINGS  
OF THE  
NINTH ANNUAL MEETING  
OF THE  
Association of American Law Schools

HELD AT  
DETROIT, MICHIGAN  
*August 25 and 26, 1909*

OFFICERS OF THE ASSOCIATION  
1909-1910.

JOHN C. TOWNES, *President*,  
Austin, Texas.

WILLIAM R. VANCE, *Secretary-Treasurer*,  
George Washington University, Washington, District of Columbia.

*Executive Committee.*

THE PRESIDENT, *ex-officio*.

THE SECRETARY-TREASURER, *ex-officio*.

GEORGE P. COSTIGAN, JR.,  
Chicago, Illinois.

CHARLES H. HUBERICH,  
Madison, Wisconsin.

CHARLES NOBLE GREGORY,  
Iowa City, Iowa.

*Wednesday, August 25, 1909. 8.00 P. M.*

The Ninth Annual Meeting of the Association of American  
Law Schools met in the County Building, Detroit, Michigan, on



Wednesday, August 25, 1909, at 8.00 P. M. The meeting was called to order by the President, Charles Noble Gregory.

The roll was called, and showed representatives of the following members of the Association in attendance:

University of Chicago Law School, by James P. Hall and Julian W. Mack.

Cincinnati Law School, of the University of Cincinnati, by W. P. Rogers and F. B. James.

University of Colorado School of Law, by John D. Fleming.

Columbia University School of Law, by Francis M. Burdick.

Cornell University, College of Law, by Frank Irvine and Alfred Hayes.

University of Denver School of Law, by George C. Manley.

Drake University, College of Law, by C. A. Dudley.

George Washington University, Department of Law, by W. R. Vance, J. A. Van Orsdel, Ernest G. Lorenzen and Melville Church.

Harvard University Law School, by James Barr Ames.

University of Illinois, College of Law, by Thomas W. Hughes.

Indiana University School of Law, by Jesse J. G. La Follette, Chester G. Vernier, J. C. Barclay and Charles M. Hepburn.

State University of Iowa, College of Law, by Charles Noble Gregory and H. C. Horack.

University of Kansas School of Law, by James W. Green.

University of Michigan, Department of Law, by H. L. Wilgus, J. R. Rood, J. H. Brewster and Thomas A. Bogle.

University of Missouri, Department of Law, by John D. Lawson and E. W. Hinton.

University of Nebraska, College of Law, by W. G. Hastings and George P. Costigan, Jr.

Northwestern University School of Law, by John H. Wigmore, Roscoe Pound, Albert M. Kales and F. B. Crossley.

Ohio State University, College of Law, by G. W. Rightmire, A. H. Tuttle, J. J. Adams and W. B. Cockley.

University of Pennsylvania, Department of Law, by W. E. Mikell.

Pittsburg Law School, Western University of Pennsylvania, by J. C. Gray and A. M. Thompson.

St. Louis Law School, of Washington University, by W. S. Curtis.

Syracuse University, College of Law, by L. L. Waters.

University of Texas, Department of Law, by John C. Townes.

Washburn College School of Law, by J. G. Slonecker.

Western Reserve University, Franklin T. Backus Law School, by E. H. Hopkins, Alexander Hadden and H. H. Johnson.

University of Wisconsin Law School, by H. S. Richards, R. B. Scott and J. B. Sanborn.

Yale University Law School, by Simeon E. Baldwin, Henry Wade Rogers, George D. Watrous and James A. Webb.

The President:

The first order of business is the President's address.

The President then delivered his address.

*(The Address follows these Minutes, page 869.)*

The President:

Next in order I have the pleasure and honor to present to you Mr. Harold D. Hazeltine, of Cambridge University, England, who will speak to us tonight on Legal Education in England.

Harold D. Hazeltine, of Cambridge University, then delivered his address.

*(The Address follows these Minutes, page 879.)*

The President:

The Association is greatly indebted to Mr. Hazeltine for his very clear and able exposition of the present state of legal education in England.

We have the great advantage tonight of being permitted to call upon our eminent and learned guest, so often welcomed among us, Sir Frederick Pollock, to open the discussion.

Sir Frederick Pollock:

I have not discovered the slightest inaccuracy in the excellent exposition of the state of legal education in England to which you have just listened. I think, however, that it gives a somewhat too optimistic impression of what we have so far succeeded

in doing in England. I doubt whether you would fully realize from hearing the paper that there is not in any law school in England what you might call a prescribed course of study.

Take the case of the universities of Oxford and Cambridge. The University does not require a candidate for a law degree, or for any degree, to have actually attended any particular course of lectures, or to have taken the lectures in any particular order. It prescribes certain tests which he has to fulfill by presenting himself for examination at stated periods. How he is to prepare himself for those examinations is a matter left to him and his particular advisers. He must, of course, be a resident, but precisely what he does with his time while he is a resident, is a matter which the University does not prescribe, and, as a University, has no means of testing. What happens is that the undergraduate consults a college tutor, who in turn consults a special expert of the University, and the latter advises what lectures the student should follow.

There is another serious question in our universities, which is not an actively developed question, but is a serious question in the minds of many of us, namely, whether it was a good thing when, some thirty-five years ago, our universities undertook to teach law at all to our undergraduates. Personally, I very much question whether many men at the undergraduate age are capable of acquiring a legal habit of mind, and of understanding that law cannot be learned out of text-books and in examinations, but is concerned with men's living business, and with the decisions of live judges in very active courts. At all events, those who teach law at Oxford have always found serious difficulty and even trouble with the undergraduate student in order to make him understand that text-books are not authority. I must have said this ten hundred times in the course of my twenty years' professorship at Oxford, but I very much doubt whether my words were believed in more than one per cent of the cases. Now they are beginning to teach law in an academic manner to undergraduates, but the results are doubtful, and I gravely question whether it does not divert a man from the serious study and practice of the law.

We have at Oxford one institution or arrangement which is excellent so far as it goes as to the time in which it permits a man to obtain a law degree. After he has taken an arts or any other degree, if he desires to study law with a view to taking a special law degree, the special law degree may be obtained in one year. Our professors are beginning to pay attention to the civil law degree, and accordingly the special examination for the degree of civil law is based on the antecedent academic examination, and from my experience I can say that sometimes candidates show not merely what you may call text-book or class-knowledge of the subject, but a real grasp of legal problems and principles. That is, I think, the most valuable academic institution that we have at present in England for the university study of law and the encouragement of legal research. It is possible of course for a man to come to Oxford or Cambridge and pursue a special course of legal research, and ultimately obtain a law degree upon it, but such examples are so infrequent that I do not think they materially affect the question. I do not know whether my learned friend, Mr. Hazeltine, has said anything about it in that part of his paper which has not been read, and I know nothing of my own knowledge as to the courses of law study and examinations at other universities.

As to Durham, perhaps I had better explain what Durham is. Durham is a small theological university, which is developed to a large extent by the intelligent inhabitants of Newcastle-on-Tyne. Nothing is ever heard of Durham except on theological subjects, so you need not trouble yourself very much about how they study law at Durham.

In England we have lectures and examinations, but we have no definite and prescribed course of study. We do not compel a man to go to lectures. I say "we," because as I have been for about two and a half years a member of the Council of Legal Education, which has been described to you by my learned friend, I have my little share of the responsibilities of what we do in the Inns of Court. We do not require that a man shall have actually attended the lectures, or indeed that he shall have done anything except eat, or appear to eat, a certain number of dinners in the

hall of his special Inn. The examination is but an indirect encouragement to a man to attend lectures. It is attempted so to arrange the examinations that they shall be much more difficult for those who have not attended the lectures. I think myself that this is a bad arrangement, and that to do indirectly what we can and ought to do directly is not worthy of the Inns of Court. I merely state that, however, as my opinion.

With regard to the primary education of the student, we have a standard, although it is not a very high one, and in practice considerable difficulty is found in enforcing even that standard, where students at the Inns of Court are supposed to know Latin, and our university students are supposed to know much more. Certain men who come up, not for the pass examination but for honors, and while being examined in law, show just sufficient knowledge of Latin to stumble through an examination in Justinian's Institutes. I have seen an Oxford man presenting himself for a law degree who could not construe a sentence from Justinian when the book was put in his hand. When I became a member of the Council of Legal Education, I heard of a man preparing for examination in one of the Inns of Court, who took a pocket edition of the Institutes of Justinian, and began to read it at South Kensington, and by the time he had arrived by the underground route at the Temple, a space of four miles or thereabouts, he knew enough about it to pass. I would not like to believe that a good thing. Our standards are rather low, and we are rather slack in enforcing even those standards, and the reason is simply that a great many of our lawyers do not believe that law can be taught at all, or that the serious teaching of law is a thing really worth the attention of our professional governing bodies.

The late Lord Selborne found considerable difficulty in his attempts to found a really adequate law school in London, and you must not suppose that we are altogether satisfied with what we have done. I agree with my learned friend that we have the advantage of an ancient and complicated machinery, which is set to grind out work to which it is not particularly adapted.

Our Law Society, I think, had its origin about 1820, and is a

much better organized and more efficient organization than we barristers have, but all these things are parts of institutions which are encumbered by an ancient history.

I am not sure that you will have gathered from the paper what a sharp distinction is made in our profession between the academic and the professional teaching of law. Our professors do not pretend to teach law in a professional manner. They have not the means for it. What they do profess, is to add to the ordinary academic education such instruction in the theoretical doctrines of law, as will make a man more capable of profiting by professional instruction, when he comes to it. That I think is the theory, so far as we have any theory.

I do not think that there is anything which I can add to the lucid and accurate exposition which you have heard from my friend, Mr. Hazeltine.

The President:

The Chair is permitted to call upon Mr. James Barr Ames, of Harvard Law School, to continue the discussion of the paper.

James Barr Ames, of Massachusetts:

Mr. President and Gentlemen: As I listened to the enlightening account of education in law in England I found myself thinking what a striking illustration of English conservatism it was. As you know, for centuries on the Continent of Europe the university law school has been the regular, indeed the only avenue to practice. We began in this country nearly a hundred years ago to take by custom, not by law, a similar path, and we have been advancing very rapidly in the last half century, especially in the last twenty-five years. In England, on the other hand, the bulk of the men who fit themselves for the profession do not take university courses in law, and, as I am told, those who do attend them are not the best men of the university. One wonders why that should be so. It seems to me that the reason why the English are satisfied not to change their present institutions in the matter of legal education is that somehow or other, of all jurisdictions administering the English law, the mother country does turn out the best Bench, the best Bar and the best law books.

Of course I think they succeed in spite of the want of legal education at the universities. Lawyers in England are concentrated in London, the bulk of them, and the competition there is keener than anything we know of in this country. The judges, of course, are there the best men in the profession because the prizes are so great. You do not find the best lawyers in England declining an offer of the Bench except under exceptional circumstances.

The experience of England is not an argument against university education in law. If they had a better system of education they would have even better fitted men and produce better law books than they do now. I wish it were possible that a hundred or two hundred of the best young graduates of our best schools could be transported to England and given an opportunity to compete on equal terms with the Englishmen of a corresponding age. I have very little doubt that our graduates would carry off the prizes and that there would be a very sudden awakening as to the need of reform in legal education in England. But if this suggestion is an idle dream, it is my belief that in the next generation, America, through her university law faculties, will take the lead in legal instruction. When that happens, English lawyers are likely to examine seriously their system of preparation for admission to the Bar.

The President:

The matter is now open for discussion.

Hollis R. Bailey, of Massachusetts:

I would like to ask Mr. Hazeltine if I am right in thinking that law graduates from Cambridge and Oxford are still required to take a three-years' clerkship in an office before they are eligible to become solicitors. I was told that two years ago, and I suppose that is true. I asked Mr. Jenks why that was, and suggested we did not do that in America. Well, he said, the men that come from Oxford and Cambridge down to London to become solicitors are very immature, and three years is not too long. It seems quite unusual to require a three-year clerkship in the case of persons having the degree of LL. B.

Harold D. Hazeltine, of England:

Yes, that is the case. The regular clerkship is usually five years before the man can be admitted to the roll of solicitor, but in case he is a university graduate, that term of five years is reduced to three years.

There being no further discussion, the Association then adjourned until Thursday, August 26, 1909, at 2.30 P. M.

#### SECOND SESSION.

*Thursday, August 26, 1909, 2.30 P. M.*

The President:

The first business will be the paper by John H. Wigmore and Frederic B. Crossley, of Northwestern University, on the subject of "A Statistical Comparison of College and High School Education as a Preparation for Legal Scholarship," and I have the pleasure of presenting Dean Wigmore.

John H. Wigmore, of Northwestern University:

Mr. President and Members of the Association: My colleague in this paper has kindly consented that I shall speak for us both; but we do not desire to trouble you by going over all the details that have been printed beforehand for your consideration; all that we care to do now is to make a few running comments as to the scope and the spirit of our inquiry.

*(The Paper follows these Minutes, page 941.)*

John H. Wigmore (after briefly summarizing the paper):

Two aspects of the subject we wish to emphasize to you here.

1. The scope of our presentation is strictly limited to the third matter stated on the first page; that is to say, the third supposed argument for requiring a college education preliminarily to the admission to a law school in this Association. The spirit of that inquiry is to force into emphasis the importance of testing our assumption by results so far as practicable. Hitherto a certain proposition has been assumed. Let us test that assumption inductively, scientifically, before going any farther. That is the spirit in which we approach the subject,—not a spirit of antagonism to any special question, but merely a spirit of asking



for a careful and hesitating inquiry into the correctness of the assumption which we have all presumably been making.

2. There is another side of this which we want to lay before you orally, in connection with the paper as printed, to avoid any possible misunderstanding. The larger aspect of this question is that my colleague and I do not desire to give the impression that we are satisfied with the present standard of admission to the Bar. Even assuming that these present conclusions are justified on a broad investigation, they need not prevent us from answering differently the second argument we named at the opening of the paper, with which argument we have nothing to do in the paper. We reserve our right to say that we do agree to the proposition that college education is highly important for the intellectual strength required by the legal profession in the administration of justice and in legislative leadership, and that therefore, a college education should be required for admission to the Bar. The present conclusions, while apparently negative, really to our minds point out more urgently the necessity of speedily attacking the larger problems; that is, of requiring something of a college training for admission to the Bar at large.

Let us take for a moment that larger standard, forgetting that we are here as an association of law schools. This proposed requirement really raises two questions, if you take the larger standard. First, does it solve more than a mere fraction of the problem? Secondly, does it practically lose as much in one way as it gains in another? Let me impose upon you a few more figures in order to answer these questions.

(1) There are this year probably eighteen thousand students in the law schools of the United States. No human being knows (much to the disgrace of our bar examiners at large), how many other men are studying for the Bar outside the schools; a guess may be made that there are another four thousand regular students, not counting correspondence schools. Out of these eighteen thousand in the law schools, seven thousand only are in the Association schools. Now, looking at the number going out of school and going to the Bar every year, there are admitted to the Bar in this country every year probably five thousand men

at least. We get at that by taking the total number in all the law schools in the third year, which is four thousand in all, and we know there are many outside that number, and we guess at least one thousand. We call it, then, five thousand men as the total number walking into the Bar every year. Out of those five thousand, twelve hundred and fifty come from the Association law schools; that is to say, just about twenty-five per cent. Out of these twelve hundred and fifty who come from the Association law schools, about four hundred had a college education when they left the law school; that is, only eight per cent of the total number of men who go into the Bar. So the net situation is this: one hundred per cent represents the men going into the Bar; twenty-five per cent represents the men who go into the Bar from Association law schools; eight per cent represents the number of those holding a college degree who go into the Bar from Association schools.

You will see then that the first question can be answered thus: The maximum margin of conceivable exclusion, if this Association should enforce a requirement of this kind at this moment, would be seventeen per cent of the total annual admissions to the Bar. That is to say, if at this moment every school were to require a college degree and instantly issue a rule putting that into force in the present graduating classes, the highest percentage to go to the Bar would be eight per cent. What are the results of realizing the ideal? It has cut seventeen per cent out of the total. Is that then anything more than a small part of the problem?

(2) The second question is: After we should have done this, we should have lost something as well as gained something. Nobody maintains that we ever can make that entire number (25 per cent) take the college degree. If you put on the requirement, it is certain that some students will not or cannot fulfill it. On the other hand it is certain that some would be coerced and induced to fulfill it. We must guess what the respective number will be. I assume it will be one-half. That is to say, if at this moment all these forty schools were to make that requirement, one-half of the students would stay out and go to an inferior

school, and one-half would wait a while and then come in. Do you see what you will then have done? By your requirement, as limited to the Association schools, you have sent one-half of these men into the Bar with a poorer and inferior legal education, and you have taken in one-half with a better equipment for the legal profession. In short, according to the estimate of figures I am going upon, for every man that you have made a better lawyer you have made another a worse lawyer.

The figures may be totally unverified. It is a lamentable fact that we cannot get at the figures today. I raise the question, because, if you consider them, you will see that the answer ought to have something to do with whatever action we take here today. The answer may enable you to say that it is better for us to look further and to take this larger point of view of requiring the greater preparation for admission to the Bar and thus accomplishing the larger and essential purpose. Then every man whom you admit to the Bar—not merely some men—will be a better lawyer. This is not Utopian. It would not matter much perhaps if it were. It is worth striving for. Just exactly a year ago this month, when every representative of the Illinois law schools was at Seattle or at some summer resort, five well-meaning Illinois State Bar Association members, without any stimulus or suggestion made by any member of any law school, presented a resolution to the Illinois State Bar Association (which was approved), that hereafter two years of college work should be required before admission to the Bar. If our State of Illinois can do that without anybody asking that it be done, I venture to suggest that there is a strong probability of other states doing it, if we all insist upon it. It is, therefore, in that spirit of seeking to do the larger thing, which will supplant the relative inutility of the smaller thing, that we present this matter to your attention.

To lay the foundation for intelligent action, the figures must be collected. I am going to read to you three short proposed resolutions, which anybody who chooses may later present.

“*Moved*, (1) That each school represented in this Association be requested to prepare before the next meeting a summary of the

statistics of scholarship of its students during the past ten years, showing the difference in grades between students who entered with and without a college education.

"(2) That a committee of three be appointed to devise and circulate a uniform table for exhibiting these statistics and to collate them and report thereon at the next meeting, the report to be submitted in print for circulation among members not less than ninety days before the meeting.

"(3) That the above committee be charged also to report upon the statistics of admission to the Bar in all states and territories during the past ten years, with a view to ascertaining the following classes of facts:

"1. The number of persons admitted by examination and otherwise.

"2. The number applying for admission, and thereunder in each class,

"a. The number who have a college education;

"b. The number who have had a law school education.

"(4) That until the submission of such report, the universities represented in this Association be requested not to enforce any further requirement of a college education for entrance to the law school than is already in force for such purpose."

The President:

We shall have the pleasure of listening to President Harry Pratt Judson, of the University of Chicago, upon "Education Preparatory to a University Law School Course."

Harry Pratt Judson, of Illinois, then delivered his address.

*(The Address follows these Minutes, page 966.)*

The President:

I call upon Dean Rogers, of Yale, to open the discussion on the subjects that have been so ably presented.

Henry Wade Rogers, of Connecticut:

Mr. President and Gentlemen: It seems to have devolved upon me to open this discussion. Perhaps I should rather say that the privilege of opening the discussion has been accorded to me. I shall try to be very brief in what I have to say.

I recognize the fact that brevity is desirable and essential, because it is exceedingly to be desired that there shall be on this question as general an interchange of views as is possible.

I should first, however, express my own appreciation, and what I know is the appreciation of all the members of the Association, to President Judson and to Dean Wigmore for the thoughtful addresses to which we have listened. The question which is under discussion seems to me to be of all the important questions with which this Association is concerned perhaps the most important for us to take under advisement.

If we fix the standard too low, and permit men to enter the law schools at an immature age, and before by the discipline of their minds they are ready to take up the study of law, we do a serious injustice to the men themselves and at the same time wrong the profession and the commonwealth. On the other hand if we exact a higher standard than the situation warrants, we do an injustice to the men, to the profession and to the commonwealth. So the question is a fundamental one. Our work, as instructors, begins at the point where the standard is fixed. We shall do it well or ill as we fix that standard right.

It is curious that this question which today is suggested to our minds as fundamental is of such recent origin. When I entered the law school and when I was admitted to the Bar—and I am not yet venerable—neither the law school nor the examining committee was concerned about this matter. The oldest law school in the United States exacted no examination of the men who applied for admission to its classes until 1877. Today there are still law schools which admit to their classes any person who applies for admission. I have in my mind at this moment one of the oldest law schools in the United States, founded in 1847, which advertises in the newspapers that it admits students without any examination. But we may congratulate ourselves that today the number of such schools is very small. Indeed it may be said that they stand discredited with the profession.

There is another group of law schools which, while they do demand an examination, are satisfied with a common school education. If a man has studied arithmetic, English grammar, English composition, history and geography, and can pass an examination upon those subjects, these schools deem him qualified to study law. We may again congratulate ourselves that this

class also constitutes a constantly diminishing group. Then we have a third class of schools which require a high school education. That is a constantly increasing group. And I take it that even among the members of this Association, you will find advocates who will assert that a high school education is sufficient for admission to the law schools of this country, and that it affords adequate preparation for admission to the Bar. That was originally the view of the American Bar Association. The American Bar Association has within a few years passed a resolution that in its opinion a high-school education should be required for admission to the law schools of the country and for admission to the Bar. More recently another advance step has been taken by the Association. The Committee on Legal Education in 1907 in its report advised the American Bar Association to take that advance step by passing a resolution expressing its conviction that it is desirable that at least two years of a college course should be required for admission to the schools and for admission to the legal profession. Now, it is my conviction that in taking that step the American Bar Association has gone just as far as it is going to go in that direction during my lifetime or yours. I may be mistaken. Some of the law schools have responded to that action of the American Bar Association. Yale and the University of Wisconsin have established the requirement of two years of a college course as a condition for admission. The University of Washington on the Pacific slope three years ago passed a rule which requires students entering this fall to have had at least one year of college work. The University of Illinois and the University of Iowa and the University of Texas have taken the same step. The University of Indiana has recently adopted a rule which provides that beginning next fall one year of college work shall be required of applicants for admission to the school, and that the fall thereafter two years of college work shall be required. The University of Minnesota, the University of the South, the University of Nebraska and Cornell University have recently taken similar action. All this is, I suppose, preliminary to taking the other step later, and of requiring two years of college work as a condition of admission. The faculty of the

University of Michigan has advised its Board of Regents to adopt the one year of college work requirement. And I understand that similar action has been taken by the St. Louis Law School.

As to the degree requirement about which we have been listening this afternoon, it seems to me that that question may be considered from two view points. One is in relation to applying it to candidates for admission to the Bar, and the other is as to the desirability of applying it by the universities to the men who seek their degrees. In England, as we were told last night, a man may study law in the English universities who has no degree in arts or sciences, but he does not obtain the university LL. B. degree unless he previously has obtained a degree in arts. While nothing was said last night by the speaker in reference to the conditions which prevail in Scotland or in Ireland, yet my understanding is that in Scotland the English rule is in force, and that a man may study law in the Scottish universities without a degree in arts, but that he cannot obtain the LL. B. degree from any Scottish university unless he has previously obtained the degree in arts. And I assume—although I do not know—that a man may study law in the Irish universities who has not a degree in arts, and my understanding is that he cannot obtain a law degree in Ireland unless he previously has obtained a degree in arts or science.

In my opinion the question whether a degree in arts or science should be required as a condition of admission to the law schools is a question distinctly of university policy. The question is this: Whether universities should be willing to confer their professional degrees upon men who have not the general culture which is represented by an A. B. degree. We are not as an Association especially concerned today with that phase of the question.

But this Association is concerned with the question whether the courts should require a man to have a college education as a condition of his right to admission to the Bar. On that question I have no hesitancy, so far as my own individual opinion is concerned, in saying that they ought not to do so. A man can come to the Bar in any country in Europe whose preliminary education in general culture is not as broad or as extended as



that which a man must have in this country to get the A. B. degree. On the continent a man comes to the Bar through the universities, it is said. That is true. But so far as his general culture is concerned it is not broader than that possessed by the American youth who has had two years of a college course. In fact I do not think that on the continent the young men who begin the study of law in the universities have as much general culture as the young men possess who have had two years of an American college course.

In Germany a man goes directly from the gymnasium into the professional school. In England it does not seem to have occurred to anybody that a man should have an A. B. degree in order to practise law. More men in England have an A. B. degree who are practising law than in this country. I asked Sir Frederick Pollock how many barristers in England he thought had a university degree. He said possibly fifty per cent, certainly not more. Nobody suggests over there, and few suggest here, that a man should be required to have a college degree in order to be admitted to the Bar. A speaker last night on this floor said that English text writers, notwithstanding the poorer facilities in England in reference to legal education, were far superior to the law book writers of this country, and that English judges on the average were more learned and more able men than the judges in our American courts, and that the average among the London barristers was probably higher than in this country; and he attributed it, at least in part, to the fact that the competition is more intense there than here, and to the further fact that the barrister is not selected by the client but is chosen by the attorney, and therefore it is more essential that the barrister, if his services are to be sought for, should be a man of learning and ability. It occurred to me that possibly there was another reason why the English law book writers were superior to those in this country and why the English judges were superior to our own judges, in that a larger proportion of them are university educated men. We may concede, I do not believe anybody on this floor will dispute it, that any man who has had the benefit of four years of college training is a better man,



a more useful man to the community and to himself than he ever would have been if he had not had that university training. But conceding that to be true, it does not follow that the American Bar Association or this Association should say that a man who has had two years of college training ought not to be admitted to the Bar, that he should be required to go on and complete the college course. For the proposition that a college degree should be required for admission to the Bar I think there is very little support either in the profession or outside of it, either in the United States or in Europe.

I am not going to discuss the other phases of the question, viz., whether the universities should give the LL. B. degree to any one who has not previously taken a degree in arts or science, because, as I said a moment ago, I think that is purely a question of university policy.

In reference to the suggestions made by Mr. Wigmore, I have only time for a word. His paper was exceedingly helpful, but, as he himself realized, we cannot make deductions from the experience of a single school. It would be unsafe to do so. It has been suggested that the other schools in this Association should do in respect to their own schools what Dean Wigmore has so well done in reference to his own school. The difficulty about that is that for the most of the schools it would be impossible to do it, because they do not have the classification and records upon which his figures are based. Yale now has such a classification. Harvard also has a similar classification, and possibly there are some few other schools which have; but it would be impossible now for all the schools in this Association to work out the data as Professor Wigmore has worked it out, and as we may hope all the schools later on may be able to work it out. I would say this, that from my own experience and observation high-school students as compared with college-degree students have not made quite as good a showing at Yale as they have at Northwestern University. When I say that I have in mind the fact that the high-school men have in many instances taken the highest class honors, but while that is true, the number of high-school men who have taken the highest honors at Yale is far out of proportion

to the number which should have taken them. I had occasion in June, in making up my report as Dean, to look over the ground and see how many students we had dropped at the Yale Law School in the preceding five years, and found we had dropped one hundred and seventy-five, and counting the men that we dropped this June, we must have dropped something over two hundred students in the last six years out of the law school because of their unsatisfactory work. Of those two hundred men, very few were college degree men.

The President:

I now call upon Professor Bates, of the University of Michigan.

Henry M. Bates, of Michigan:

It is apparent that Dean Wigmore has confined his paper to that part of the subject bearing upon what the law school should do in producing results in scholarship; whereas, as I understand it, President Judson's address bore rather upon considerations affecting the general conditions at the Bar and what the law schools should seek to do in promoting the interests of the community, by way of requiring better preliminary training of all those candidates for the Bar who obtain their preparation in the law schools.

While I believe that Dean Wigmore has wisely confined his paper to that portion of the subject which I have indicated, and has thus made a most valuable contribution to the somewhat broader subject which some of us, at least, had conceived to be before the Association, it also seems to me that in this discussion we should consider those more general and very important considerations presented by President Judson, and I think we may legitimately do so for these reasons: While the schools are primarily concerned with legal scholarship, nevertheless, they do prepare a very large number of men for the Bar and they prepare even a relatively larger number of men who stay in practice. Undoubtedly a much larger proportion of the total number of law-school graduates admitted to the Bar, remain in practice than is the percentage of those who continue to practise who come to

the Bar through other avenues. In other words, the law-school man, being better trained, is, on the average, better able to acquire and hold a practice, and is, therefore, more persistent and more likely to stay in practice. Furthermore, the law school influences all other avenues of reaching the Bar, and, therefore, whatever we may do to improve standards in this Association will improve conditions at the Bar generally. As the law schools unquestionably do indirectly, but powerfully, influence the standards of, and the conditions at, the Bar, it seems to me that we may legitimately consider here, not only how raising our entrance requirements will influence scholarship within the schools, but also how such action will affect the Bar, and through it the administration of justice.

Perhaps I can best contribute to this discussion by stating (and it must be from memory) some of the facts concerning the students at the University of Michigan Law School and their work, corresponding to those given to us by Dean Wigmore concerning the Northwestern Law School. Our system of marking is such that an accurate comparison of the results at Michigan and those at Northwestern cannot be made. We do not classify our men according to their success in scholarship as A men, B men, etc. Our students either (1) pass their courses absolutely, or (2) pass conditionally, or (3) are "not passed." A "not pass" means that the student has failed utterly and must take the course over again, if he is allowed to continue in the school. Those who pass conditionally are allowed to proceed with their work, but must remove the condition by taking an examination at a stated time. Within these limits the students are not marked, or rather, such marks as are given them by the professors are for their own convenience only and are not officially recorded. Thus, it is not possible to make quite the same comparisons of the work of our college graduates, our two-year college men, and the high-school graduates as Dean Wigmore and his collaborator have made. There is, however, at least a basis for some comparison. The election of students as editorial assistants upon the Michigan Law Review board affords an additional and very important means of obtaining the desired information con-

cerning our best men. Our senior classes, for a number of years, have ranged from 180 to 240 or more students. During each of the last seven years we have elected from these senior classes twenty men who were considered to stand highest in scholarship in their respective classes. Two years ago my associate, Professor Wilgus, carefully examined the figures and found that, up to that time, of all the editors selected, the ratio of those who had college degrees compared to those who did not have them was as four to one; that is to say, a man with a college degree up to that time had stood a four times better chance of being elected to the Law Review, which is an indication of scholarship, than the man without that training. I have personally examined our records since that time and find that the ratio has slightly increased in favor of the college man, so that considering the whole history of these Law Review elections, we are justified in saying that a college graduate has had a five times better chance of achieving the honor than the non-graduate has had.

Let me consider next those students who, during their entire course, receive only a few "conditions," not enough to compel us to drop them from the school, nor to require them to take an extra year to obtain their degrees. This class would possibly correspond roughly to the poorer B students and the better C students in Dean Wigmore's classification. There have not been available to me figures for the entire school with reference to this class. But the records in my own course show that the ratio of degree men who fall into this class compared to the total number of degree men is very much smaller than the corresponding ratio with reference to the non-college men. I am not able to state the precise ratio, but it is certainly quite as much in favor of the college men as is the comparison last made, and probably much more so.

When we come to the next class, those who receive so many conditions, or utter failures, that they are compelled to withdraw from the school, or in some instances to take extra time, we find the comparison is very much more in favor of the college education than in either of the last two cases. Such examination

of the records as I have been able to make leads me to believe that I am entirely safe in saying that the non-college man is at least fifteen times more likely to fall into this class than is the college graduate. If these statements be true, it will be seen that, for the most part, our experience does not differ greatly from Northwestern's in regard to this matter.

In one respect our experience has been decidedly different from that of Northwestern. Dean Wigmore's figures show that the high school graduate who enters that school immediately after graduation is, on the average, a more successful student than the high-school graduate who is engaged in other occupations for some years and then enters the law school. Precisely the reverse of this is true with us. The man who has staid out after high-school graduation is more successful, partly on account of his greater maturity of mind and purpose, and partly because, in the majority of cases, he has been engaged in the interim in teaching or other work involving mental discipline.

I have only one more suggestion to make and that is not, and could not have been, based upon a sufficient number of instances to justify very confident generalization, but I present it for what it is worth. Almost every year one or more men who have entered the Law Department without having had college training become convinced of the desirability of that training and transfer from our department to the Department of Literature, Science and the Arts as candidates for the academic degree; upon securing which they return to us and complete their law courses. In every instance of this kind, which has come under my observation, the man has returned with very much greater efficiency as a student. I have made it a point to talk with the men, pursuing this course, whom I have known, and not one of them has failed to be enthusiastic regarding the benefit he has derived from the college work. Doubtless some of the improvement noted has resulted from the mere greater maturity, but most of it, I am confident, is to be attributed to the training received in the college course. It is to be regretted that there are not more cases of this kind concerning which we could make inquiry, but I believe they are especially interesting and significant inasmuch as they enable

us to observe the degree of efficiency and success in the study of law, before and after taking a college course, with regard to the same individual.

Except as to the first class of students, which I have discussed, our experience would indicate that the comparison between the college and non-college man is rather more favorable to the college man than Dean Wigmore's figures indicate to be the case at Northwestern. This is partly due, undoubtedly, to the fact that his figures wholly leave out of consideration those men who did not complete the three years course, thus eliminating from his discussion the total failures. In this latter category would undoubtedly be found a much larger proportion of non-college men than is found in the other classes which he has treated.

The President:

Discussion by members of the Association is now invited.

Francis M. Burdick, of New York:

Mr. President, I would move the adoption of the first and third of the resolutions which Professor Wigmore presented. They are the ones which read: That each school represented in this Association be requested to prepare before the next meeting a summary of the statistics of scholarship of its students during the past ten years showing the difference in grades between students who entered with and without a college education.

Also the following: That a committee of three be appointed to devise and circulate a uniform table for exhibiting these statistics and to collate them and report thereon at the next meeting.

The motion was seconded.

Francis M. Burdick:

The experience we have had at Columbia is much more favorable to the college-degree holder than are the statistics read to us today.

May I also ask another question? It is, whether the students now in the law schools, who have acquired an A. B. degree, are not much more efficient in their work than those in the same schools under the old system which brought together men having

a high school and a collegiate preparation. When we passed from the old system at Columbia to the A. B. basis, it was the observation of every teacher in the school, that the efficiency of each class was decidedly greater, and the ease on the part of the instructor in dealing with the men was greater. The men were more nearly alike and we could carry the work as it seemed to us on a higher plane.

H. S. Richards, of Wisconsin :

I think from what I know of the records of our school that it would be impossible to furnish information that would be of any value along the lines of Dean Wigmore's investigation. And I think the same may be said of every school in the Association. They could furnish statistics, but I doubt their value. The men are not all in the same courses. In some schools we have no high-school men except as special students. It is my observation in Wisconsin that during the period that we have had the two-year requirement, the men who have had a college training are by all odds superior to the high-school men. The men that we have dropped in the last six years have been almost without exception high-school men. When a school requires some college preparation, the result of course is going to be that the high-school men of spirit are going to prepare themselves to meet it, or else they are going to some school where they do not have to make that preparation. In other words, they dislike to be classified as special students. The result is the special students that we have do not form a group that will afford a fair basis for comparison.

Another fact which makes these statistics of no particular value, is that the system of marking varies materially with the different schools and with the different instructors in the schools. In the law school of the University of Wisconsin, in the last six years the system of instruction has practically changed, and the system of marking has absolutely changed, so that any comparison with the schedule of marks entered before and the schedule of marks entered now would be of no value on this question. If we are going to have statistics, it seems to me the best way would be to have some one person make the tables

on the data furnished by the schools. We will find that the authorities of most law schools will not devote much time to making exhaustive tables such as Professor Wigmore has made.

W. R. Vance, of the District of Columbia:

I should like to add just a word to this discussion. To use Serjeant Noy's quaint phrase, I should like to "take a diversity" between the position of President Judson and that taken by Dean Wigmore, in one respect. President Judson had in mind leaders of the Bar. He thought that the purpose of the university law school should be rather to look to the selection of leaders and to the development of leadership. Dean Wigmore on the other hand called attention to the fact that by a too swift advancement the result might be that students would be driven from the law schools equipped to give the best kind of education and training into inferior law schools, and thus defeat the very end for which university law schools are maintained.

Let us not forget that what the university law school must look to is not the distinguished few, not the John Marshalls, but it must look to the great mass of those who practise law. Believe me, while it is quite true that the value of a John Marshall cannot well be estimated in individuals of mediocre ability, yet it is also true that that community is more fortunate in which eighty per cent of those comprising its Bar are highly trained lawyers, capable of efficient and honest service, than that in which ninety-nine per cent of them are ignorant tricksters, and one per cent of them only distinguished leaders of the Bar. Law schools should be careful in leading this advance. The advance should be made, but some of the schools lose sight of the fact that in leading an advance the leaders must not go so fast as to leave the army behind. They want more than "West Point officers." They want a considerable percentage of the rank and file, so that the average of efficiency and integrity at the Bar shall be raised. Ignorance and trickery go hand in hand. I have heard no wiser statement than that made some time ago in an address by that wonderfully clear-seeing man, Governor Hughes of New York, when he said that the adminis-



tration of justice in the magistrates' courts in New York City is of equal importance with the administration of justice in the highest court of the state. It is true that in the justices' and inferior courts the great majority of the rights of the citizens are determined. Therefore, it is most important that the average attorney practising at our Bar should be well trained, honest and efficient. The university law school must not so fix its requirements as to exclude the great majority of the men who are going to carry on the legal work of the country.

John Scott, Lord Eldon, began his wonderful career as a lawyer by running away to be married when he was a sophomore at college, and thereafter sitting down in a little room for three years while studying such works as that medley of Latin and bad English that Coke put in his books and called law. The law schools need not trouble themselves very much about the great leaders of the Bar. They will be helped, of course, by being taken through the law school, but they will become lawyers, and they will be admitted to the Bar in spite of the law schools or without the law schools. Therefore, the law schools must keep their eyes steadily fixed upon the great mass of the profession, and the larger the proportionate number of those who will practise law before our courts that can be brought into those law schools which are adequately equipped and give a proper training, so much the better for the profession at large.

James Parker Hall, of Illinois:

I wish to suggest possible explanations for some of Mr. Wigmore's figures. In the first place, he has considered the records only of those men who continued their law work into the third year, showing about 41 per cent of the third-year class who had had three or four years in college and about 52 per cent who were only high-school men. That leaves entirely out of account men who left before their third year; although if a much larger percentage of high-school men than of college men were dropped for poor work earlier in the course, this fact would have an important bearing upon the relative merits of these kinds of preparation. During the last nine years about 22 per cent of the

first-year classes at the Northwestern Law School have been college graduates, while the third-year class has 41 per cent of such men. It is likely that this is due to a smaller percentage of failures among the college men.

Mr. Wigmore suggests that the work of the men who have had one or two years in college seems disappointing as compared with the high-school men, and he asks if it is worth while to require two years of college for admission to law schools, when only a small percentage of men appear to be improved by this. Heretofore two years of college has marked no definite stopping-point for a young man intending to study law. Men who have done well in their early years in college have been helped to remain, while the failures have dropped out in much larger numbers. Once let two years of college work be treated as the ordinary preparation for admission to a university law school, and the average standing of this class of men will be as high as those who now enter the medical schools after this amount of college work.

One curious result of Mr. Wigmore's figures is that apparently high-school men over twenty-one do poorer work than those under twenty-one. This is so contrary to the experience of most schools that I should suggest this explanation: High-school students who do not study law until they are over twenty-one have in most instances earned part of their living since leaving school, and are likely to continue some employment if practicable. The classes at Northwestern Law School are so arranged that in two of the three years students may have the entire morning for outside work. I wonder whether a larger percentage of the men over twenty-one than of those younger are not doing considerable outside work, and so have less time for study.

Moreover, the figures representing a "high average standing" are those of men who have an A or B grade. I understand in general at Northwestern Law School that A represents a grade of 90 or above, and B anything between 60 and 90. If this large range of marks were subdivided, it may be that a much larger percentage of high-school men than of college men would be at the lower end of it.

J. R. Rood, of Michigan:

I feel rather diffident in saying anything on this subject. But in answer to the remarks of Dean Rogers that statistics are not obtainable, it seems to me, that if we have not the statistics to give accurately parallel information, still we should do something to gather what information is at hand, and perhaps then something may be obtained for the future.

There is one thing that I would suggest as seeming to me to be of importance in this connection. Would it not be well to incorporate in this census, if we may call it such, questions which would bring out what the men had been doing who were not in university work, and thus get some classification of the results along that line? I take it that a man might succeed without a university training who had been following some intellectual pursuit very much better than a man who had merely matriculated in the university and was not following any intellectual pursuit. It does not follow that a man is getting legal culture merely because he is enrolled in the university. Many men who have been teaching have aided themselves a great deal better than others who have spent their time in a university taking instruction.

Then there is the further fact very likely lost sight of, I think, namely, that the law school is not the best place to make a great lawyer. You might just as well get into an automobile to take exercise, and think that if you rode twenty miles you will get as much exercise as the man who walks twenty miles. Of course you will get over the ground more easily. But is it a debatable question that a man who is able to go it alone without any go-cart, is going to have a great deal more effective intellectuality, and is going to make a stronger man than the one who has the help that he gets in the college or in the university? It seems to me that is an explanation of men like Marshall.

It is the province of the law school to raise the general average. Most men cannot train themselves. Supposing you had a thousand men in a class, and you gave them the same sort of training Marshall received, the vast majority would fall out of the

running. The same thing is true of natural life. Take the weaklings that would die off if left exposed to the elements, when they are cared for and protected in the way we protect and care for animals in stock raising, you get a larger proportion that you are able to bring to maturity,—a much larger proportion than if they were left to look after themselves. It seems to me the fact that there are some very strong men who have not had any college training at all is due to the fact that they had difficulties to overcome in getting an education, and sufficient determination to overcome them. That is what gave them their strength,—the opposition that they met and overcame. So the fact that there are great lawyers who have had no law-school training does not count much as to whether the law school is the best place to study law or not.

I think it would be very beneficial if we could know what has been the occupation of those men who come to the law school without a college course. Therefore, I move as an amendment to the pending motion that in these tables to be circulated,—if they are to be circulated,—there be included questions to show what the men were doing who were not in schools and how they succeeded afterwards.

John C. Townes, of Texas:

I do not wish to discuss the pending matter, but only to give a few items of information which I gathered in the prosecution of my duties in connection with the law department of the University of Texas.

Beginning with the ensuing session, the law department of the University of Texas will require the completion of five college courses in addition to the units required for admission into the academic department of the university. In view of this fact, I have gone over the records of the department, not with the care that Professor Wigmore has shown in his report, but with the care that an ordinary man exercises in searching for data for his own information.

In making my calculations, I divided the students into two classes, all of those having five full academic courses to their

credit being put in one class, all not having that number of courses being put into the other.

I examined the records for two years. The first covered the work of about two hundred and seventy-five students, the second the work of about three hundred.

The investigation showed that for the first year the students with less than five college courses had a very slight advantage. As I now remember, the difference was less than 1 per cent. For the second year the result was reversed, that is, the students having five or more college courses did slightly better work than those who did not have these credits. The difference again was about 1 per cent.

Of the students who could not do the work, but who fell by the way-side, a very large majority were men with only a high-school education.

E. H. Hopkins, of Ohio:

I wish to express my personal obligation to Professor Wigmore for presenting this subject to us. It occurs to me that we ought to bear in mind that there are high schools and high schools. I think the greatest work that the colleges in this country have done in the last ten or fifteen years is in raising the standards of the work done by the high schools. In Ohio we have three grades of high schools. Several years ago I had occasion to investigate the high school situation in that state, and I found a number of so-called high schools that pretended to give a four year course in which only one teacher was employed. Comparing the graduate of such a school with the work of a man who has been to college for two or more years is certainly not helpful.

If in making this study we could eliminate those high-school men who come from the second and third grade schools, and compare rather the work of the first grade high-school men with that of college men, I think it would be more to the point.

Another thing, I shall be very much surprised if we do not find a considerable difference between those law schools located in the large cities and those located in small towns. The law school located in the large city offers opportunities for work to the

college man who for various reasons wishes to earn money while in the law school which the law school located in the smaller town does not afford. Of course, it goes without saying that such men will not do as good work in the law school as they would if they were devoting all their time to it.

So I say there are certain points that must be taken into consideration if we wish to gain a result that shall be of value to us in determining our future action in this matter, namely, the distinction between the several grades of high schools, and how many of the college men are carrying on other pursuits at the same time that they are studying in law schools.

Walter A. Knight, of Ohio:

There is perhaps one thing that is of more importance in getting together this information than anything else, and that is the age of the students regardless of whether they are high-school students or college graduates or those who have had part of a college course; and as the amendment to the motion offered has not been seconded, I offer the following amendment: That with the data submitted there shall be a classification in all cases as to the ages of the students.

Francis M. Burdick, of New York:

I will accept that amendment to my motion.

The motion of Mr. Burdick as amended was then carried.

Simeon E. Baldwin, of Connecticut:

It would certainly be desirable if we could enlist the aid of the public authorities of the United States in this matter. Next year the Government is to take its census, and it has occurred to me that a request from this Association to the Director of the Census Bureau would meet with a favorable response. I therefore beg leave to offer the following resolution:

*Resolved*, That the Director of the Census of the United States be respectfully requested to incorporate in the Census of 1910 statistics as to the following points:

1. The number and age of those applying in 1910 for admission to the Bar of the courts of the several states and territories, and territorial possessions, and the District of Columbia.

2. The number of such applicants admitted to said Bars.
3. The number of each of said classes having a collegiate degree.
4. The number of each of said class having a law-school degree.
5. The number of each of said classes having had a four years high-school education.
6. The number of each of said classes having had a partial education at a law school.

The resolution was seconded.

W. R. Vance, of the District of Columbia :

Would it not be well to have a committee appointed to confer with Dr. Durand, the Director of the Census? He is a gentleman very much interested in this line of inquiry, and I think probably a blank form could be worked out that would be very satisfactory to us.

Simeon E. Baldwin, of Connecticut :

I would suggest that Professor Vance make that as a separate motion.

The resolution was then carried.

W. R. Vance, of the District of Columbia :

I now move that a committee of three be appointed to present this matter to the Director of the Census, with power to decide upon a satisfactory form of blank for the purpose.

The motion was seconded and carried.

The President :

The Chair appoints as such committee W. R. Vance, of the District of Columbia, Chairman; Simeon E. Baldwin, of Connecticut, and Albert M. Kales, of Illinois.

It is necessary that a committee be appointed to nominate officers of the Section. The Chair will name Messrs. Burdick, Irvine and Mikell as such committee.

The next order of business is the report of the Secretary-Treasurer.

Hotel Pontchartrain in Detroit, on the evening of Monday, August 23, 1909, at which time such other questions as may come before the committee will be considered, and a report supplemental hereto will be made.

W. R. VANCE,  
Secretary.

CHARLES NOBLE GREGORY,  
*President.*

SUPPLEMENTAL REPORT OF THE EXECUTIVE COMMITTEE.

DETROIT, MICHIGAN, HOTEL PONTCHARTRAIN,

August 23, 1909.

A called meeting of the Executive Committee was held at 8.25 P. M., all the members of the committee being present save Professor Charles H. Huberich. The following minutes were adopted:

1. The resignation of the Law School of the University of Maine was presented. It is recommended that it be accepted with regret.

2. At the request of the Law School of Vanderbilt University, it is recommended that consideration of that school's application for admission to the Association be postponed.

3. Applications for admission from the Law Schools of Tulane University and the University of Washington were presented. These applications were duly considered, and the committee being of opinion that the applicant schools have complied with all the requirements for admission to this Association, it is recommended that they be admitted.

4. It is recommended that action upon the application of the Law School of Epworth University, Oklahoma City, Oklahoma, be further postponed.

W. R. VANCE,  
*Secretary.*

Walter A. Knight, of Ohio:

I do not believe that we should take any action that is not eminently fair. Now in Cincinnati there are two law schools, a day law school and a night law school, and to my personal



knowledge there are many students attending the day school, which is connected with the University, who are otherwise engaged during a portion of the day, some of them who are otherwise engaged in the evening, and some both. In the night law school a large proportion are regularly employed during at least a portion of the day. It seems to me that it is very difficult to justly discriminate between those who work during a portion of the day or evening, but attend day law school regularly, and those who work a portion of the day or all of the day and attend the night law school regularly. It seems to me that we can fix upon whatever educational qualifications are required, whatever course is required, and whatever number of hours of study is required, but that it is unfair and unjust to discriminate simply between those whose business leaves them free to attend law school during the day and those whose convenience it suits to attend law school during the evening. I do not think it would tend to any good result to make an arbitrary distinction of that sort.

The recommendations of the Executive Committee were then considered seriatim, and adopted.

The President:

The report of the Committee on the Study of Legal History.

John H. Wigmore, of Illinois, then read the report of this committee as follows:

"The Committee on Publication of Essays in Anglo-American Legal History begs to report that the work committed to it by vote of the Association in August, 1906, is completed. The third volume of its publications is now in press; the first volume appeared in August, 1907, and the second in October, 1908. The committee has reason to believe that the essays have proved interesting to the profession at large, and particularly useful to students and professors of law. The third volume is more directly serviceable than either of the other two for purposes of reference by students in specific courses, and the committee hopes that instructors will now avail themselves of the advantage of possessing this material in easily accessible form.

"The committee does not recommend any extension of this series, for some time at least. Certain topics, particularly criminal law and administrative law, have been substantially ignored,

and suitable material on these subjects is available. Nevertheless, those topics would not suffice for a volume, and there is not enough additional material to make up a volume. Any expansion must be left for future decision.

"The committee does, however, see a need for continuing the work in a collateral field, namely, Continental legal history. The recent spread of interest in Comparative Law in general is notable.

"The Comparative Law Bureau of the American Bar Association; the Pan-American Scientific Congress; the American Institute of Criminal Law and Criminology; the Civic Federation Conference on Uniform Legislation; the International Congress of History, the libraries' accessions in foreign law,—the work of these and other movements touches at various points the bodies of Continental law. Such activities serve to remind us constantly that we have in English no histories of Continental law. To pay any attention at all to Continental Law means that its history must be more or less considered. Each of those countries has its own legal system and its own legal history. But these systems grew out of common stock, were subject to similar influences, and borrowed from each other, so that in a sense and to some extent, especially with reference to a considerable portion of the mediæval period, it is possible to speak of a common law of Continental Europe. We know that some of these common elements also found their way into the English law. It is undeniable that on the whole England developed her common law in national independence or even insularity, yet the law of the Continent was never as foreign to English as the English law was foreign to Continental jurisprudence. It is merely maintaining the best traditions of our own legal literature if we plead for continued study of Continental legal history. We believe that a better acquaintance with the results of modern scholarship in that field will bring out new points of contact and throw new light upon the development of our own law.

"For these reasons we believe that the thoughtful American lawyers and students should have at their disposal translations of some of the best work in Continental legal history. It is too much to expect that such persons, however well educated, will, as a whole, have familiarity with the technical legal terms in the Continental languages, or will master them for this purpose only. If, then, the object is worth while at all, it must be achieved through providing translations.

"In spite of possible variant opinions as to specific books to be selected, such books exist for practically all of the principal

countries. Inquiries made during the past few years enable us to presume that all the living authors would be willing to permit translation and to revise the edition to date. We also have reason to believe that a publisher could be found to undertake the series, paying some royalty or other compensation both to author and to translator. We are also able to say that a sufficient number of responsible members of our faculties of law would assume the task of translation. We add that the Carnegie Institute shows no sign of assisting this work, and that it must be done by our own effort if at all. We, therefore, recommend that a committee of five be appointed on Translations of Continental Legal History, with authority to arrange for the translation and publication of suitable works without expense to this Association.

“Respectfully submitted,

JOHN H. WIGMORE,

ERNST FREUND,

WILLIAM E. MIKELL.”

The committee's report was then adopted.

The President:

The report of the Committee on Pre-Legal Studies.

Ernest G. Lorenzen, of the District of Columbia, read the report of this committee as follows:

“Your committee appointed to suggest a program of university courses for students preparing for the study of law, recommends:

1st. That students devoting only two years to such work take:

“English (Rhetoric and Composition), two years.

“Latin or Greek, two years.

“German or French, two years.

“Mathematics, or a Natural or Physical Science, one year.

“History, including English and American Constitutional History, two years.

“Experimental Psychology.

“2d. That students devoting three or four years to such preparation take, in addition to the above, courses in Economics, Political Science, Sociology and other courses in History, Philosophy, and in the natural or physical sciences.

“In making the above recommendations, your committee has been guided by the thought that the principal aim of the first two years should be to give to the student a thorough mental training. The informational side of courses, however useful, should be subordinated at this time to the primary object

of teaching the student to think and to work. A few subjects thoroughly taught are of far greater value than a superficial knowledge of many. Bearing this principle in mind, the choice of courses will in the end depend largely upon the character of the student and upon that of the teacher. In the absence of particular considerations, the subjects recommended for the two-year course are, in the opinion of your committee, best calculated, under existing conditions, to give the desired results.

"Courses in Economics, Political Science and Sociology are strongly recommended because of their helpfulness to a thorough understanding of the law. It is believed, however, that their study should be in the main postponed until the third or fourth year of the prospective law student's curriculum.

"Respectfully submitted,  
ERNEST G. LORENZEN,  
HENRY M. BATES,  
ROSCOE POUND."

The report was then adopted.

The auditing committee then reported that they had found the report of the Secretary-Treasurer correct, and their report was adopted, and the Secretary-Treasurer's report approved.

Francis M. Burdick, of New York:

The Committee on Nominations recommend for election the following officers for the ensuing year:

For President, John C. Townes, of Texas; for Secretary-Treasurer, William R. Vance, of the District of Columbia; for members of the Executive Committee, George P. Costigan, Jr., Charles H. Huberich, and Charles Noble Gregory.

The gentlemen nominated were then duly elected.

The meeting thereupon adjourned.

WILLIAM R. VANCE,  
*Secretary.*

ADDRESS OF THE PRESIDENT OF THE ASSOCIATION  
OF AMERICAN LAW SCHOOLS.

THE PAST AND PRESENT OF THE ASSOCIATION OF AMERICAN  
LAW SCHOOLS.

BY

CHARLES NOBLE GREGORY,

DEAN OF THE COLLEGE OF LAW, STATE UNIVERSITY OF IOWA.

The report of the American Bar Association for 1900 (at p. 569) records the following:

"Pursuant to the invitation extended by a Committee of the Section of Legal Education of the American Bar Association, representatives from American law schools met at Saratoga on Tuesday, August 28, 1900, and held three sessions during that day.

"Charles Noble Gregory, of the University of Wisconsin, was chosen Chairman and Ernest W. Huffcut, of Cornell University, was chosen Secretary."

Thirty-five law schools were represented at the conference, but eleven others, "which had notified the committee of the appointment of delegates, were not represented at the conference."

Judge George M. Sharp, of Baltimore, to whom more than any other the meeting was due, for the Committee of the Section, submitted a draft of articles of association. These were discussed, section by section, it may be said with some acrimony and personal conflict. The weather was very warm, and views and interests diverse, and the Chairman fears that the vote of thanks to him passed at the close of the session "for his uniform courtesy and patience in presiding over the deliberations of the Association" illustrated the patience and courtesy of his colleagues rather than his own.

The articles as approved were referred to a committee on style, consisting of Judge Sharp, the late Judge William Wirt Howe

and Dean James Barr Ames, and, as reported back by that committee at the evening session, with some verbal changes, "they were adopted as read, and ordered printed and sent to all law schools."

So our Association came into being. The simple and orderly procedure reminds us of that of the convention which framed our federal constitution. The declared object of the Association was "the improvement of legal education in America, especially in the law schools."

At the end of nine years, the member at that time called to preside, finds himself, by the great kindness of his associates, for which he is most grateful, chosen to the presidency of the Association, and, by custom, required to deliver a president's address. Under these circumstances it has seemed not inappropriate to briefly review the history of those nine years of existence, and to seek to ascertain in what measure the Association has fulfilled its avowed object.

The articles of association sought to fix a moderate standard to which schools must within a limited time conform as a requisite for membership. They provided:

1st. That each school require of its students in preliminary education "the completion of a high school course of study or its equivalent."

2d. That the course of study leading to its degree should cover at least two years of thirty weeks, and after 1905, three years.

3d. That the conferring of degrees "shall be conditioned upon the attainment of a grade of scholarship ascertained by examination."

4th. Certain very limited library facilities.

It will be recalled that 35 schools were represented at the first meeting. At the present time the Association has 36 members. Of this only 18, or exactly one-half, were represented at the initial meeting. Since the number represented at the meeting was 35, substantially one-half of those there assembled are not now members.

The great endowed foundations of both the East and West, as Harvard, Yale, Columbia, Cornell, Pennsylvania, George

Washington, Leland Stanford, Chicago, Northwestern, are members, and the state universities which occupy a like position, west of the tide water states, are also members.

The schools which failed to become members, or to maintain membership, did so in almost every case, if not always, because of inability or unwillingness to comply with the standard set.

The first subsequent meeting was held at Denver, Colorado, in 1901. Twenty-seven schools had become members, but eighteen only were represented. Five new schools were elected to membership.

The next meeting was held at Saratoga in 1902, and of the 32 schools having membership, 21 were represented, and 5 new schools were elected to membership. At the third annual meeting at Hot Springs, Virginia, in 1903, 26 of the 37 schools enjoying membership were present. At the fourth annual meeting at St. Louis, in 1904, of the 35 members, 25 were represented. At the fifth meeting held at Narragansett Pier, in 1905, 26 schools in a membership of 37 were represented. Three schools were elected to membership at that meeting, raising the membership to 40. A resolution was adopted at this meeting requiring all candidates for its degree, in any school belonging to the Association, at the time of their admission to the school, to have completed a four years' high school course or certain equivalents, such resolution to take effect September, 1907.

This raised the standard doubly, in requiring a four years' course instead of the two- or three-year courses which had sufficed, and in that it required the completion of the preparatory studies before the law studies were begun, whereas theretofore they could be finished at any time before the law degree was conferred.

At the meeting at St. Paul in 1906, 27 schools out of 40 were represented.

At this meeting the resignations of the Baltimore, Buffalo and Illinois law schools were reported (American Bar Association Report for 1906, Part 2, pages 125-127), and no resignation having been received from another two-year school (Tennessee), it was "resolved that all law schools, members of this Association,

which maintain less than a three years' course in law shall be, and hereby are, dropped from the Association."

Another school reported as failing to maintain the requirements of the Association, in that it had "received and graduated students who have not had a high school preliminary education or the equivalent thereof," was, after hearing and protracted debate, dropped from membership in the Association on a vote taken by the schools of 16 in favor to 6 against. This was our first and last case of capital punishment. One new school (Texas) was admitted, and we were left with 36 members.

At the seventh meeting, held at Portland, Maine, in 1907, 25 schools out of 36 were represented. The resignation of one school was accepted (Georgetown), and three schools were elected to membership (South Dakota, South California and Creighton), leaving us with 38 members.

The eighth annual meeting was held in 1908, at Seattle, and only 16 schools were represented out of 38, the smallest meeting ever held, due doubtless to the remoteness of the place of meeting from the schools.

The resignations of two schools of importance, Boston University Law School and New York University Law School, were accepted. The resignations were understood to be on account of the unwillingness of the schools to accept the interpretation of the rule by which three years of law study were required, and the doing of the three years' work in two years' time was held not allowable. This left us with 36 members for the meeting of 1909.

I do not fail to appreciate that the number of schools which, in the nine years our Association has existed, have advanced from very elementary standards to that moderate one prescribed for membership, is considerable, and that some have been able to advance still further. It has been easier to advance in platoons than singly. Though not merely that, ours is largely a bureau of standards.

Our honored guest, Sir Frederick Pollock, in 1903 told us, speaking of law teaching in his country: "In fact every teacher who has taken up the matter seriously in England has not only gone his own way, but had to go his own way, because there was no established system he could follow."



The public teachers of law in England and Wales have now, however, within the year, effected an organization, and a representative of the drafting committee to shape and report on rules has requested from your president copies of your articles, and he has been glad to furnish them. The objects of that society are substantially the same as of yours, and are declared to be "the furtherance of the cause of legal education in England and Wales, and of the work and interests of public teachers of law therein, by holding discussions and enquiries, by publishing documents, and by taking such other steps as may from time to time be deemed desirable." This society, however, only admits to membership teachers representing institutions "not established or existing for the purpose of making pecuniary profit divisible among 'their' members." This organization of our brethren in Great Britain has, I am sure, the best wishes of every one of us, and the cordial good will of all who enjoy the benefits of that system of law which is perhaps England's greatest gift to the world.

It is deemed worth while to analyze the statistics of our Association during the past nine years and at the present time.

The report of the United States Bureau of Education for 1899 and 1900 shows 96 law schools in the country. Of these 35 were represented at our initial meeting, little more than one-third in number.

The 96 schools had 12,516 students. The schools present at our meeting had 8084, substantially two-thirds in number of the whole body of students, though the schools were in number only about one-third.

The like report for 1908, which is the last in print, shows 108 law schools with 18,069 students, an increase in the number of schools of only one-eighth, but of students of nearly one-half.

The rain has fallen upon the just and the unjust, but not alike. The increase in students in the schools represented at our first meeting is 1429, and in the other schools 4124. In other words, the 35 schools having two-thirds of the students which founded this Association have since then had about one-fourth only of the growth, and the other schools, which had one-third of the stu-

dents, have had three-fourths. I by no means regret our standards, but I think it right that we should understand the sacrifice made.

The number of students in attendance is significant, but such numbers are only one of the indications to be considered. The number of graduates is also significant as showing the effect of our exactions for a degree.

In the year 1900, with 12,512 students, our law schools had 3241 graduates, substantially 26 per cent of those in attendance. In 1908, with 18,069 students, they had 3999 graduates, a trifle over 22 per cent of those in attendance, showing a diminution of only 4 per cent in the annual proportion of all students in attendance who graduated.

These figures are disappointing in view of the radical increase of requirements of our Association as to the time of legal study. We do not seem to be affecting the body of students in our law schools as we had hoped.

Of our 35 schools at our first meeting, 21 have increased their attendance, one has remained stationary, and 13 have diminished their attendance in the past nine years; and in the 13 are included some of the largest, oldest and most favorably situated schools, as well as those of another type. The greatest number of law schools and law students is not found, as might be thought, in the north Atlantic division of states, consisting of New England and the middle states, where there are 18 schools with 3483 students, but in the north central division, beginning with Ohio, including Michigan, and extending through the Dakotas, in which division there are 43 schools with 4120 students. These divisions to which I refer are reported by the federal commissioner for education.

Of the schools which are now members of our Association, seven have come into existence since our meeting nine years ago, and these seven have 1006 students; 13 schools show a smaller attendance than at that time, and 16 show an increase in attendance. The schools now belonging to our Association had in 1898, 6264 students. They now have 8239 students. The seven members which were not in existence at the earlier date have 1006 students.

Deducting these, the schools which maintained their membership have 7236 students, an increase in nine years of 972 students in all.

Those schools nine years ago had substantially 50 per cent of the total number of law students in the country. They now have a trifle over 40 per cent. The increase in those schools has been about 15 per cent, in the whole body of law schools substantially 50 per cent. In other words, we have had a little less than one-third of our proportionate share in the growth of law students shown in the whole country.

I submit these facts with no suggestion of turning backward. "Nulla vestigia retrorsum," no steps turning backward, was the shrewd observation of the foxes at the door of the lion who pretended to be sick and ate those who entered to condole, but it must apply to us.

If our standards are desirable, it is lamentable that they apply to only about four-ninths of the law students of the country, and to a diminishing proportion. The progress that we have made, from no requirements as to preliminary education to a high school course, with no specification as to length, and later to a four years' high school course, to be accomplished before law studies are begun; from no requirement as to period of law studies, first to two years and then to three years, is very great. It is suggested that all feasible efforts to induce other schools to come to the desired standards be made, and that they be cordially welcomed to membership in the Association, that the bonds of friendly alliance between schools of the Association be strengthened in every way.

It is believed that some practices followed have a tendency to impair those good relations, and might, therefore, well be abandoned by mutual agreement. Such are the custom of advertising in the student publication of other universities having law departments, and still more the custom of requesting from a law school a copy of its catalogue, and then mailing to all students there listed the circulars and advertising literature of the rival school. There is no law against this and

no rule of our Association, but the courteous traditions of the Bar which have resulted in England in making it a serious professional misconduct for any lawyer to interfere between lawyer and client, indicate, it is believed, a safe rule for law schools, and would prevent them from soliciting the students in attendance upon another school. The American Bar Association at its last session approved a Code of Ethics. Perhaps a useful activity for this Association would be to appoint a committee to draft and report a code of ethics for law schools, dealing with such questions, and with the receipt of students from other schools and all matters of intercollegiate relation. The Association need not fear too many activities. The danger is that it will have too few.

In submitting this review of our nine years of existence it is interesting to observe that, although the statistics are not wholly exhilarating, yet there were in the past year, as shown by the report of the Commissioner of Education, 1515 fewer students in regular medicine, 875 fewer in homeopathic medicine and 1408 fewer in dentistry than nine years ago, whereas, as we have seen, there are 5553 more law students than nine years ago. In fact the growth in law schools in that period has vastly exceeded that in any professional schools, except those in veterinary medicine, a comparatively new branch of instruction in which there has been a marked and sudden development.

Professor Goudy, of Oxford, holds with high distinction the Regius Professorship founded by Henry VIII with an original endowment of 40 pounds per annum. As President of the Association of Public Teachers of Law in England and Wales, in his introductory address he lately said that in Rome "most of the great jurisconsuls were also teachers of law," and that the law teachers of today "are entitled to arrogate to" themselves "the language of one of the greatest of these (himself apparently in his younger days a teacher) and style ourselves the priests (sacerdotes) of justice and law."

He says with truth and cogency:

"We must honestly endeavor to do what we can for our students, both by word and writing, but especially by word, because

upon us undoubtedly rests, in considerable measure, responsibility for the future competency of our judges and barristers and solicitors and to some extent also of our legislators, statesmen and administrators. We must, too, remember that the future reform of the laws, and consequent amelioration of the social and political conditions in this country, may largely depend upon the knowledge we impart to, and the ideas we instil into, the minds of our pupils."

The duty, responsibility and influence of the law teachers in this country are certainly not less, and I think we can maintain are far greater, than in England; if on no other basis, on that of the vastly larger number of both law teachers and law students. But most of our public men have been lawyers, all of our presidents except the leaders in war, always the greater number of members of both Houses of Congress. In England a lawyer is now Prime Minister for the first time in a hundred years. There, in the legislative body, lawyers are an important minority, here a dominant majority.

We have certainly never fallen into the condition shown in the testimony before the first university commission in England, which Professor Goudy quotes, where young law students "coming up from the university to London," after paying 100 guineas a year to eminent conveyancers, found themselves "walking blindfold into a sort of legal jungle"; and after repeating the fee the next year to an equity draftsman or special pleader, with equally disappointing results, frequently gave up the attempt as hopeless, and became clergymen. That is seldom the fate of our students.

The rewards of the teacher are very limited, either in money or in honor, and those lawyers who turn away from the shining lures of the practitioner to the sober paths of the law professor must hope for their recompense in a sense of usefulness rather than in worldly recognition, yet it is not without satisfaction that at the present moment we see one of our profession, formerly the dean of a law school, advanced to be chief executive of the nation and another to be the governor of our greatest state. There has been within the past decade a marked advance in the compensation and recognition of men in our profession,

and it is believed that the acquaintance, consultation and unity springing from our organization has tended to promote this consummation. The great hold which the Bar has so long maintained on English public life is always felt to be largely due to the ancient, potent and inscrutable organizations of the Inns of Court. Lawyers standing together have accomplished much. It is hoped that the associated law schools of America and their faculties, even though they proceed slowly, may prove potent, not merely for their own welfare and that of the cause of legal education, but for the wider and higher service of justice according to law:

“The hope of all who suffer  
The dread of all who wrong;”

that enlightened justice which the late Lord Chief Justice Russell called a prime necessity of mankind, to which all lawyers, whether on the Bench, at the Bar or in the faculties, have pledged the labors of their useful lives.

## LEGAL EDUCATION IN ENGLAND.

BY

HAROLD D. HAZELTINE,

FELLOW AND LAW LECTURER OF EMMANUEL COLLEGE, CAMBRIDGE, AND  
READER IN ENGLISH LAW IN THE UNIVERSITY OF CAMBRIDGE.

I beg to thank you, Mr. President, and the members of this Association for the honor of an invitation to read a paper on the present state of legal education in England, and for your cordial welcome this evening. My paper takes, I find, something like three hours to read. But I beg you not to be disconsolate on this account, for I shall content myself with reading to you certain portions of the paper only, and with consuming not much more of your time than the President has taken in his able and most interesting address.

As the subject which you so kindly suggested that I should discuss, relates only to the present and only to England, the history of legal education in Scotland, Ireland, Wales and the other parts of the British Empire does not come within the purview of this paper; nor, for the same reason, am I concerned, except incidentally, with legal education in America and on the Continent.

In looking at the present state of legal education in England, I shall endeavor to give you, in the first place, a simple statement of the organization of the various law schools; then, secondly, a few words on the education of students before they begin their legal studies; thirdly, some account of the courses of study at the various law schools, and the examinations, degrees and distinctions that follow such courses; fourthly, a summary description of methods of instruction and study at present employed in the schools; and, lastly, a hint as to the problems that may perplex English legal educators in the future.

## I. THE LAW SCHOOLS.

The term "law school" is not so generally employed in England as in America, but I desire for the present to adopt this convenient generic term and under it to indicate the nature of the various organizations that exist in England for the purposes of legal education, having especially in view in each individual instance both the teaching staff and the administrative authority. I propose to look first at the law schools of the universities, then at the law schools of the great professional societies, and finally at the law schools in various provincial centers and districts.

The law schools of the older universities of Oxford and Cambridge differ in important particulars from the law schools of the newer universities of London, Manchester, Liverpool, Sheffield and Leeds. The universities of Oxford and Cambridge are of course unique; their chief distinguishing characteristic being perhaps this, that some fifteen or twenty distinct and different colleges, each a body corporate with its own officers and teaching staff and its own statutes and property, are all united together into a larger body corporate that has a significance far greater than being the mere totality of all the colleges. This larger body corporate has indeed its own separate and distinct organization of officers and teaching staff and its own separate and distinct statutes and property, this larger body corporate being known as the university and alone entitled to confer degrees. Into the constitutional intricacies of the "university and colleges" at Oxford and at Cambridge I cannot now enter, and I must content myself with a brief reference to this duality in organization as it is illustrated by the organization of the law schools. Although some of the newer universities, especially perhaps the University of London, seem to be similar to Oxford and Cambridge in certain particulars, they are nevertheless in general of a distinctly different type, and partake more of the nature of German and American universities; and this general difference will be evident when we come to note the organization of the law schools at these newer seats of learning.

(1) I shall look for a moment only at Cambridge; and it will



help us to understand what the law school there really is, if we remember that the university as such employs its own professors, readers, and other teachers of law, just as it employs its own professors, readers, and other teachers of history, natural science, classics and the other branches of learning, and if we remember that in addition to the university law-teaching staff, nearly every separate college employs its own lecturer or lecturers on law, just as it employs its own lecturer or lecturers on history, natural science, classics, and the other branches of learning. These two separate groups of men, the university law-teaching staff and the various collegiate law-teaching staffs, constitute the entire official law-teaching staff at Cambridge.

The university staff is composed of five men; the regius professor of the civil law, the Downing professor of the laws of England, the Whewell professor of international law, the reader in English law, and the teacher in Indian law.

In addition to these five men of university rank nearly every college employs one or more men to deliver public or so-called intercollegiate lectures, or to assist in one way or another in the legal instruction of those members of the college who are reading for one or another of the law degrees of the university or who desire legal instruction for some other purpose, such as the passing of the examinations for call to the Bar, for admission to the roll of solicitors, or for entrance into the civil service. Thus, four colleges of the university have each two law lecturers; seven colleges have each one law lecturer; six colleges (including Selwyn College, a public hostel, and Fitzwilliam Hall, the organization of non-collegiate students) have no law lecturer, but have each a director of legal studies; one college has, in addition to one law lecturer, three sub-lectors in law; while two colleges employ no one to lecture or instruct in law in any way.

In some cases two or more of these university and college posts happen to be held by one man. Thus, the university reader in English law is at the same time a college lecturer; two gentlemen are lecturers, each for two colleges; while a third gentleman not only lectures for two colleges, but is director of legal studies in two other colleges.

In addition to this official staff of twenty men employed, either by the university or by the separate colleges, for the purposes of legal instruction, there are three lecturers who are not employed either by the university or by any college, but who are yet formally recognized as lecturers by the special board for law of the university, thus acquiring the right to have the subjects of their lectures published in the official terminal list of law lectures, and to deliver their lectures, if they wish, at the law school. These lecturers thus correspond, in certain respects, to the *Privatdozenten* of the German universities.

In addition to all these official or formally recognized teachers of law there are a certain number of private coaches who are engaged in legal instruction, some of these coaches having a quasi-official status, as I shall hope to show in a few moments.

Just as the teaching work of the Cambridge Law School is thus performed by the combined staffs of the university and the various colleges, so too officials of the university and officials of the various colleges unite in carrying on the administrative work of the school, these officials being chiefly the special board for law of the university and collegiate tutors, lecturers and directors of studies.

The special board for law of the university—generally referred to as the law board—is composed of the three professors, the reader in English law, the law tripos examiners, and five college lecturers; the professors, reader and examiners being university officials and ex-officio members of the board, the college lecturers being appointed members of the board for special terms of service. The teacher of Indian law is not a member of the board and Indian law is not indeed directly included in the subjects of examination for the first degrees in law of the university.

The special board for law elects each year a chairman and a secretary, the present chairman being the regius professor of the civil law in the university and the secretary one of the college lecturers. The chairman corresponds in some respects to the dean of a law faculty; but, as we shall see presently, the burden of supervising and directing the work of students falls very largely on the staffs of the colleges.

Falling within the scope of the administrative authority of the special board for law are all university matters in connection with the law school, such as, for example, the selection of books recommended to the use of candidates for university law examinations, the nomination of university examiners in law, the passing upon the application of candidates for the higher degrees in law, the administration of the law library of the university, and the preparation, in consultation with the entire lecturing staff of the university and the colleges, of the terminal list of university and intercollegiate lectures intended for candidates for the university law tripos examination and the university special examination in law. Like all other special boards of studies in the university, such as the historical and classical boards, the law board must work in relation to other boards and university bodies, more especially the general board of studies (composed of representatives of all the schools and studies in the university), the financial board, the university library syndicate, and the council and the senate (the council being the chief executive body, and the senate the legislative body, of the university).

The tutors, lecturers and directors of studies of the various colleges also have very important administrative duties to perform. These duties consist not only in the supervision and direction of the studies of those members of each college who are reading law and in the exercise of disciplinary authority over them when necessary, but also in arranging—partly in conjunction with the university registry—for the attendance of students at university and intercollegiate lectures and examinations and for the payment of their lecture and examination fees to other colleges and to the university. It is also a college officer—the prælector—who presents to the university for their degrees those students of his own college who have successfully passed the examinations of the university.

If one wishes one may think of the chairman of the special board for law as in a certain sense the dean of the law faculty of the university and of the law lecturers, law tutors and directors of legal studies as in a certain sense the deans in the various colleges, all of these men co-operating in the work of administration.

There is, therefore, as you will see, a law school at Cambridge; but it is a law school somewhat different from those of America. The elements of the Cambridge Law School must be sought in various parts of that complex organization known as "The University and Colleges of Cambridge." You will find one element here and another there, various university and collegiate officers, teachers, institutions, and buildings going to make up the Cambridge Law School as a whole. There is organization and there is unity in the teaching and in the administration of this school; but it is an organization whose various parts are finely and intricately adjusted one to the other, and it is a unity marked by the individualism of each teacher and each officer and each college.

(2) The Oxford Law School is organized upon similar lines, the teaching and the administration being divided between the university and the colleges. In the Oxford law faculty (using this term in its wide sense) there are four professorships, four readerships and one lectureship, and, in addition, almost a dozen collegiate law tutors. The administrative board of the faculty of law is composed of the university law-teaching staff, and certain elected and co-opted members. The chief work of the law school is to prepare pupils for the examinations required for the school of jurisprudence degree in arts and the post-graduate degree of B. C. L.

(3) The University of London has a "faculty of laws" composed of fourteen "teachers" of the university (among them five professors), the dean being Professor Sir John Macdonell, of University College. The instruction of students is given by these teachers at the various institutions of the university with which they are individually associated, namely, King's College, University College, Birkbeck College, City of London College and the London School of Economics. There seem also to be at least two recognized teachers of law in the university who are not members of the faculty of laws.

The board of legal studies of the university is composed of the teachers of the university and certain other persons distinguished in law, such as, for example, the present master of the

rolls and the Right Honourable Lord Justice Moulton, about eighteen in all.

The faculty of laws has organized the teaching of three of the constituent institutions of the university, namely University College, King's College and the London School of Economics, upon a so-called "intercollegiate" basis. Each one of these three institutions has its own law staff or faculty, but these three faculties, while remaining separate and distinct, have now been grouped together for purposes of instruction, the work being divided among the professors and teachers of the three constituent institutions just named. The university issues each session a prospectus of all these intercollegiate courses, this prospectus containing also an alphabetical list of all the professors and teachers, the name of each being followed by that of the institution with which he is directly connected, whether it be University College, King's College or the London School of Economics.

Each one of the three institutions issues also its own prospectus—referring of course to the intercollegiate lectures and classes—and each maintains its own machinery for the admission of students, the payment of fees, the regulation of attendance at lectures and examinations, the granting of prizes and scholarships, and similar matters. Students desiring to attend any of the intercollegiate law courses apply in the first instance either to the provost of University College, the principal of King's College or the director of the London School of Economics. Students are then put in communication with their respective teachers and are registered by the institution through which they enter. Arrangements are also made for personal consultation with college officials. Thus, at University College the provost, or the dean or vice-dean of the college faculty of law, attends at certain hours of certain days at the beginning of the academic year, for the purpose of giving advice and information to law students entering that college; and these college officials may also be consulted throughout the year at certain hours or by appointment.

(4) The "faculty of law" in the University of Manchester is composed of three professors and eight lecturers. The so-called

administrative "Board of the Faculty of Law" is composed of the vice-chancellor of the university, the dean of the faculty of law (Professor Copinger), a secretary and seven other members in addition to the external examiners in law, the latter being ex-officio members of the board. Not all of the professors and lecturers are on this administrative board of the faculty of law, and it numbers among its members one who is neither a teacher nor an examiner in law. The university has also a so-called "advisory committee on legal education" which is composed of the president of the Manchester Law Association, the chairman of the education committee of the Manchester Law Association (who is at the same time the district member of the education committee of the London Law Society), the representative of the Manchester Law Association on the committee of the London Law Society, five members of the legal profession appointed by the court (one of whom is the Right Honourable James Bryce), two representatives appointed by the Manchester Law Association, and the three professors of law of the university. The advisory committee on legal education is thus made up of thirteen men who are chosen from the teaching staff of the university and from the legal profession generally.

(5) In the University of Liverpool the "faculty of law" is composed of seven professors and nine lecturers. One of the professors is the dean (Professor Emmott), and one of the lecturers is at the same time tutor in law. In addition to the teaching faculty there is also an administrative board of legal studies.

(6) The University of Leeds has a so-called "department of law" which is supported by the Yorkshire board of legal studies. On the teaching staff of this department of law are one professor (Professor Phillips) and two lecturers, who do not constitute a separate faculty of law, but are numbered among the members of the faculty of arts. The professor of law acts as head of the department of law, advising the students as to their studies and examinations. The university has advisory committees on various subjects, the law committee being composed of a chairman and twelve other members, of whom the vice-chancellor is one.

(7) A "faculty of law" was established only last year in the University of Sheffield. The teaching staff in this faculty consists of a professor of law, who is at the same time dean (Professor Trotter), three law lecturers, a professor and a lecturer in history, a lecturer in economics and logic, and a lecturer in accounting.

(8) No law lectures are given and no law classes held in the University of Durham. The university has, however, two so-called "examiners in the faculty of law," and an examination for the degree of B. C. L. is now held every two years, the university also conferring the degree of D. C. L. A candidate for M. A. at Durham may offer English constitutional history as his subject for examination, the books recommended being standard works on constitutional law and its history. As far as the subject of law is concerned Durham is at present an examining and not a teaching university.

(9) Although the recently established University of Bristol has as yet no faculty of law and does not as yet grant degrees in law, it is expected that arrangements will soon be perfected whereby the teaching provided by the Bristol board of legal studies will be recognized by the university as a part of the curriculum for the degree in arts.

(10) The University of Birmingham as such has at present no faculty of law, although the Birmingham board of legal studies is an active teaching organization to which I shall wish to draw further attention in a few moments. In the faculty of commerce of the university there is, however, a lecturer on commercial law, the university appointing two examiners in this subject; and among the history lectures in the faculty of arts are courses on the British and colonial constitutions.

These then, gentlemen, are the law schools of the English universities. The academic year at these schools is divided into three terms of eight to ten weeks each, and in some of the schools instruction is also given in the summer. Thus, at Cambridge law lectures and classes are held during the so-called long vacation term, which is a short term of six weeks in addition to the three regular terms.



We must now glance at the second group of English law schools, our inquiry here concerning itself with the question as to what provision is at present made for systematic instruction in law by the great professional societies—the societies of barristers and solicitors.

(1) The societies of Lincoln's Inn, the Middle Temple, the Inner Temple, and Gray's Inn—the four Inns of Court—have joined forces for the purpose of legal education and have issued so-called "consolidated regulations" as to the admission of students, the mode of keeping terms, the education and examination of students, the calling of students to the Bar, and the taking out of certificates to practice under the Bar. Under these consolidated regulations "the power and duty of superintending the education and examination of students, and of arranging and settling the details of the several measures which may be deemed necessary to be adopted for those purposes," have been entrusted to the so-called "council of legal education." This council of legal education consists of twenty benchers, of whom five are nominated by each Inn of Court. The members of the council remain in office for two years; and the present chairman of the council is Lord Macnaghten. Acting under the power given to it by the inns in the consolidated regulations the council has appointed a so-called "board of studies" consisting of members of the council and of the teaching staff, the present chairman of the board being the master of the rolls, Sir Herbert Cozens-Hardy; and, subject to the control of the council, this board superintends and directs the education and examination of students.

The permanent "staff of teachers," appointed by the council, consists at present of six readers, four assistant readers, and two lecturers. The council also appoints from time to time lecturers to give short courses on special topics.

Within quite recent years an entirely new office has been created by the council. The so-called "director of legal studies" (Mr. Blake Odgers, who is also one of the readers) arranges to be in his chambers in Lincoln's Inn at certain hours on certain days in every week of the educational term, and it is his duty to



see any student of any Inn of Court who desires to consult him as to lectures, books, or any other matter affecting his legal studies. You will thus see that the director of legal studies has duties similar to those of the dean of a law faculty. In conversation with Mr. Odgers some few weeks ago, he likened his duties to those of the senior tutor of a college at Oxford or Cambridge.

In every calendar year there are four so-called "educational terms"—the Hilary, Easter, Trinity, and Michaelmas terms—of from three to four weeks each, these educational terms practically coinciding in time with the four "dining terms." In any one educational term all the lectures and classes of the council of legal education are held in the lecture rooms of some one Inn of Court; and the four Inns of Court take turns in thus providing accommodation for the teaching staff. Thus, during the Easter and Trinity terms of the present year the lectures and classes were held in the Inner Temple.

(2) The law society (formerly known as the incorporated law society) of the United Kingdom, the great association of solicitors comparable in certain respects to the Inns of Court of the other branch of the profession, inaugurated in July, 1903, a new educational system which has been very successful in the legal training of articled clerks and which will probably be still further developed. Under this new system the law society has a permanent legal education committee and a permanent teaching staff. The legal education committee is composed of ten members of the council of the law society, five representatives (being members of the law society) of provincial law societies, and two representatives (being also members of the law society) of the London Law Students' Society, all appointed by the council of the law society from time to time. The teaching staff consists of a principal and director of legal studies (Mr. Edward Jenks), two readers, four tutors, one lecturer in commercial law, one tutor in accounts and bookkeeping, and one correspondence tutor. The legal education committee exercises supervision over the working of the society's educational system.

The teaching year consists of four terms of about eight weeks each, arranged to fit in with the society's examinations qualify-

ing for admission to the roll of solicitors. These terms are designated as first term, second term, etc., and fall approximately in mid-January-March, mid-April-June, September-October, and November-December, respectively, of each calendar year.

All lectures and classes are held at the law society's hall in Chancery Lane, London. The principal and director of legal studies arranges to be in his room at the society's hall at certain hours on certain days at the beginning of each term, for the purpose of seeing students who desire to enter for the lectures or classes of the term, and he is also accessible to students at specified times throughout the term, for the purpose of consultation as to their work; the principal and director of legal studies thus fulfilling duties similar to those of the director of legal studies of the council of legal education.

English law schools of the third group—that is, law schools other than those of the universities and the great professional societies—are to be found chiefly in the provincial centers and are largely engaged in the education of articled clerks. The law society of the United Kingdom has been largely instrumental in the formation and administration of these schools, making very considerable annual grants to provincial law societies and boards of legal studies for this purpose and studying with intelligence and effect the needs and conditions of various local centers; this work of the law society being quite in addition to the carrying on of its own school at its own hall by its own officers and teaching staff, reference to which I have already made.

The views of the council of the law society on the organization and subsidizing of these provincial law schools will be seen from the report (adopted by the council in July, 1906) on the working of the new educational system inaugurated by the society in July, 1903. "Briefly put," reads this report, "the council recognizes the existence of two types of local center—one a populous and highly-organized district, the other a district of small country towns with few educational facilities. In the former the council encourages the formation of boards of legal studies, in which the local law society, or societies, shall exercise a controlling influence, but which shall also contain representatives of other bodies, such

as the law society itself, the local university college, and the law students of the district. These boards may either (as at Liverpool) directly undertake the work of education, or (as in Yorkshire) make satisfactory arrangements for education to be carried on by approved institutions. But, in either case, the board itself is responsible to the council for the satisfactory administration of the grant. Where it is not possible to form such a board, the council may continue to make grants to the local law society; but it is felt that the more comprehensive scheme is likely to arouse greater interest, and produce more efficient administration." That this scheme of legal education in populous and highly organized districts has been successful is evident from the report (adopted by the council only a few weeks ago) on the working of the law society's educational system from 1903 to the present year. In 1903 there were seven such centers, notably in Birmingham, Bristol, Liverpool, Manchester and Yorkshire; for the session 1909-10 the council has made grants to ten centers, three new centers—Newcastle-upon-Tyne, Nottingham and Brighton—having been organized since 1906. At certain of these centers there is intimate relationship between the law society's subsidized local board of legal studies and the local university; and the tendency seems to be for the law schools of such boards of legal studies to grow into the law schools of the local universities, as for instance, at Liverpool, Leeds and Sheffield.

I should like for a moment to take the Birmingham board of legal studies as an example of these provincial law schools. In November, 1906, the legal education sub-committee of the Birmingham Law Society, referring to the grants of the law society of the United kingdom to provincial law societies in aid of legal education, recommended that a board of legal studies be established in Birmingham which should be independent of the legal education committee of the Birmingham Law Society. In the following January the formation of this board was completed. It held its first meeting two months later, and the work of legal education was undertaken at once. At the end of the last educational year (August 31, 1908) the constitution of the board remained the same as when it was formed, consisting of nine rep-

representatives of the Birmingham Law Society, one representative of the Law Society of the United Kingdom, one representative of the Wolverhampton Law Society, one representative of the Birmingham University, and one representative of the Birmingham Law Students' Society; the officers of this board being a chairman, an honorary secretary, and a treasurer. The teaching staff of the board consists at present of three readers, who lecture and hold classes in subjects set for the LL. B. degree examination of the University of London and for the examinations of the Law Society of the United Kingdom.

The Birmingham Law Society, when it organized this board of legal studies, contemplated that the Birmingham University might ultimately take over the legal education of the district by the establishment of a law faculty, and the board was in fact organized with the idea of preparing the way for such an event. There can be little doubt, indeed, that in time if the history of events at Birmingham is to be like the history of events at Liverpool, Leeds and Sheffield, the present law school of the Birmingham board of legal studies will be transformed into a law school of the university.

So far, I have been speaking of the law schools of large and populous provincial centers. The problem of the legal education of the articled clerks in the thinly-populated districts has given considerable difficulty and has as yet been only partially solved. A lead has been given by the Sussex Law Society, which established a center of legal education in 1907 at Brighton, attended by articled clerks from the western part of Sussex generally and not alone from Brighton itself. The council of the Law Society of the United Kingdom believes that the example of the Sussex Law Society should be followed by other provincial law societies whose scope of activity extends over country towns; and there can be no doubt that such extension of the Sussex system would be to the marked advantage of the profession generally.

Such then, gentlemen, are the university and professional law schools of England. Their organization is characterized by the presence of two separate bodies, namely, (1) the law faculty, or other teaching staff, engaged in legal instruction, and (2) the

board of the faculty of law, the board of legal studies, the council of legal education, the legal education committee, or some other body engaged in the administration of the school. At the universities especially there is direct and intimate relationship between the teaching and the administrative bodies, generally certain members of the one being also members of the other. In the professional societies, while there is earnest and intelligent co-operation between the teaching and the administrative bodies, there is somewhat less direct and intimate relationship between the two.

## II. EDUCATION PREPARATORY TO STUDIES AT THE LAW SCHOOLS.

Before proceeding to a consideration of the courses of study at the various law schools, I should like to say just one word in regard to the education preparatory to these legal studies. The subject is too far-reaching and too difficult to treat with any adequacy in this incidental way, but it will suffice for the present merely to indicate the subjects of the matriculation or the preliminary examinations required of students who enter the law schools of universities or of professional societies, for the purpose of being taught and examined as candidates for degrees or for entrance into the barrister and solicitor branches of the profession. The scope of these matriculation or preliminary examinations will give some conception of what the nature of the student's preparatory work has been. I shall first glance at the requirements of universities and then at those of professional societies.

At Cambridge matriculation is largely a matter for individual colleges. The first university examination required of all matriculated students who are candidates for degrees, including degrees based in part on legal knowledge, is the so-called "previous examination," popularly known as the "little go." Under the new regulations established by grace of the senate of January 16, 1908, the previous examination consists of two parts.

In Part I four papers are set, viz.:

(1) A paper on one of the Gospels in the original Greek containing:

- (a) Questions on the subject-matter.
- (b) Short passages for translation and explanation.
- (2) A paper on one of the Latin classics containing:
  - (a) Passages for translation, with grammatical questions arising from or suggested by these passages.
  - (b) Questions on the subject-matter.
- (3) A paper on one of the Greek classics containing:
  - (a) Passages for translation, with grammatical questions arising from or suggested by these passages.
  - (b) Questions on the subject-matter.
- (4) A paper containing two or more easy unprepared passages of Latin to be translated into English, the use of a dictionary being allowed.

In Part II four papers are set, viz.:

- (1) A paper on Paley's evidences, or as an alternative *either* a paper on elementary logic *or* a paper on elementary heat and chemistry:
- (2) A paper on geometry.
- (3) A paper on arithmetic and elementary algebra.
- (4) A paper containing subjects for an English essay selected from a standard work or works.

There are certain papers which may be substituted for certain of these standard papers; but that matter need not trouble us here. It is, however, important to note that all candidates for honours in any tripos—including the law tripos—must pass in one of three so-called additional subjects, as well as in both parts of the previous examination; these additional subjects being (1) mechanics, (2) French, (3) German.

Having passed his "little go," the law candidate for the ordinary B. A. degree (that is, without honours) must then pass the general examination and the law special examination, while the law candidate for the honours degree (B. A. + LL. B.) must then pass both parts of the law tripos examination. To these law examinations and degrees we shall come back presently.

The requirements as to the preliminary training and knowledge of candidates for degrees at Oxford are similar to those at Cambridge. The university itself holds no entrance examina-

tion, and anyone who can satisfy the requirements for entrance into a college or hall is matriculated by the university without question. The so-called responsions examination of the University of Oxford is in general of the same character and scope as the previous examination at Cambridge, stress being laid as at Cambridge on preparation in Greek and Latin classics and in mathematics. And as an additional subject any one of the following may be offered by the candidate: (1) Greek or Latin historical or philosophical authors; (2) French, German, or Italian historical or philosophical authors; (3) Bacon, *Novum Organum*, Book I; (4) Elements of Logic, Deductive and Inductive.

At the universities of London, Manchester, Liverpool, Leeds, and Sheffield candidates for degrees must pass the so-called matriculation examination.

At London candidates must satisfy the examiners in each of the following five subjects:

- (1) English.
- (2) Elementary mathematics.
- (3) Latin, or elementary mechanics, or elementary physics (heat, light and sound), or elementary chemistry, or elementary botany.

(4) and (5) Two of the following subjects, neither of which has been taken under section (3), and if Latin be not selected, then one of the other subjects selected must be another language from the list, either ancient or modern: Latin, Greek, French, German, Spanish, Portuguese, Italian, modern Dutch, Arabic, Hebrew, Sanskrit, Chinese, ancient history, modern history, physical and general geography, history and geography, logic, geometrical and mechanical drawing, mathematics (more advanced), elementary mechanics, elementary chemistry, elementary physics (heat, light and sound), elementary physics (electricity and magnetism), elementary biology (botany), elementary biology (zoölogy).

The universities of Manchester, Liverpool, Leeds and Sheffield co-operate, in accordance with clauses in their charters, in conducting and controlling their matriculation examination by

means of a joint board. Candidates for entrance to faculties other than that of medicine must satisfy the examiners in six subjects, this regulation applying of course to the faculty of law:

- (1) English language *or* literature.
- (2) English history.
- (3) Mathematics.
- (4) *Three* of the following, *one* of which must be a language:  
(a) Greek, (b) Latin, (c) French, (d) German, (e) some other language approved by the board, (f) *either* mechanics *or* physics, (g) chemistry, (h) geography (physical, political and commercial), (i) natural history (plants and animals).

At Durham there is no under-graduate course in law, and candidates for the degree of B. C. L. must have already taken the degree of B. A.

Coming now to the preliminary examinations of the professional societies, we find that admission of students to any one of the Inns of Court is only granted—unless students be exempt from examination—after passing a satisfactory examination in the following subjects: (a) The English language; (b) the Latin language; (c) English history.

With certain exceptions all persons are required to pass an examination in general knowledge before being bound under articles of clerkship to a solicitor with a view to their admission as solicitors. The subjects of this “preliminary examination” set by the Law Society of the United Kingdom are the following:

- (1) Writing from dictation.
- (2) Writing a short English composition.
- (3) (a) Arithmetic; (b) algebra up to and inclusive of simple equations, and elementary geometry as treated in Euclid, Books I-IV; although proofs other than Euclid’s will be accepted and simple riders will be set.
- (4) Geography of Europe and history of England.
- (5) Latin.
- (6) And any two languages to be selected by the candidate out of the following six, namely: (a) Latin translation, (b) Greek, (c) French, (d) German, (e) Spanish, (f) Italian.

As regards subjects numbered (3) and (6), no candidate is



obliged to take up algebra and elementary geometry (No. 3b), but if any candidate elects to do so, he may then take up these with *one* only (instead of *two*) of the languages specified under No. (6).

It should be observed of course that this preliminary examination is exacted by the Law Society of all who enter into articles of clerkship to solicitors, whether or not such clerks attend the law school of the law society of London or the law courses of any provincial law society or board of legal studies or of any other law school or institution whatsoever. But, having passed the Law Society's preliminary examination, every articled clerk is forthwith entitled to enter the law school of the Law Society or that of any provincial law society or board of legal studies; and we may therefore with propriety view this preliminary examination of the Law Society as the entrance examination into the law school of the Law Society itself and the law schools of provincial law societies and boards of studies designed for articled clerks.

Now, both at the universities and in the professional societies, a system of exemption from these preliminary or matriculation examinations has grown up. Both the universities and the professional societies exempt from their own preliminary or matriculation examinations in cases where candidates can present certificates of having passed elsewhere examinations of the same severity on the same subjects at approved institutions. Thus, for example, Cambridge exempts from the previous examination if the candidate can produce evidence of having passed the responsions in the university of Oxford; and so the Inns of Court exempt from their preliminary examination in cases where their candidates have passed a public examination at any British university. Likewise the Law Society exempts from its preliminary examination where candidates are graduates of approved universities or have passed such examinations as the previous examination at Cambridge, responsions at Oxford, or the matriculation examination of the joint board of the universities of Manchester, Liverpool, Leeds and Sheffield.

Looking at the preliminary requirements quite generally, one finds that certain subjects are obligatory for admission to all, or

nearly all, of the law schools. These subjects are the following: (1) English, either language or literature; (2) Latin (except in the universities of London, Manchester, Liverpool, Leeds and Sheffield, where Latin is an optional subject); (3) English history (except at Cambridge, Oxford and London; ancient history, modern history, and history and geography being options in London); (4) some branch or branches of mathematics (except at the Inns of Court).

Broadly speaking, therefore, the preliminary education of law students in England may be said to embrace at least the four subjects of English, Latin, history, and mathematics; some schools not requiring a knowledge of one or more of these four subjects (mathematics, for instance, not being required by the Inns of Court) and some schools requiring knowledge of subjects additional to these four (both Greek and Latin, for instance, being required at Oxford and Cambridge). Whether one or the other of these subjects be or be not exacted by any one given school, it generally happens that in one way or another the preparation of most law students includes these four subjects of English, Latin, history and mathematics. Thus, for example, although the Inns of Court do not require mathematics in their preliminary examination, yet, students entering the inns from the secondary schools, or from the universities, or after equivalent courses of private education, are at least acquainted with elementary mathematics.

As you will observe therefore, gentlemen, all law schools require some general knowledge on the part of students before they are admitted to the schools as candidates for degrees or for entrance to either branch of the legal profession. The requirements are, however, not the same at all the schools, some schools requiring a severer test than others. On the whole the requirements of the universities seem to be severer than those of the professional societies, and as between the Law Society and the Inns of Court the requirements of the Law Society seem to be severer.

We may profitably spend a moment in endeavoring to classify the students who enter upon their legal studies for the first time

at one or the other of the university and professional law schools. In the first group we may place those who have taken a university degree or who have passed one or more university examinations—other than the matriculation, previous or responsions examinations—in non-legal subjects. Examples of this group would be Cambridge men who have taken one or more non-legal triposes, such as the historical, classical, and mathematical triposes, or who have at least passed one part of one such tripos. Men of this first group—which is not large—correspond roughly to the men who enter American law schools after spending one or more years at an American university or college in the study of non-legal or of pre-legal subjects. Men of this first group in England either stay on at their own university, entering the law school there, or they go to the law school of some other university or to the law school of one of the professional societies. The great majority of English law students we may place in the second and third groups. In the second group are the men who have just completed their course at one or the other of the great public schools, such as Eton, Harrow, or Rugby, or whose education is of the same standard as that of these schools; and in the third group are the men whose preliminary education falls below this public school standard. I have not the statistics at hand, but my impression is that young men of the public school standard more generally enter the law schools of the universities and that young men with an inferior education more generally enter the law schools of the professional societies. At the same time it is a very common thing for university graduates in law to spend some further time in study at the law schools of the professional societies before they take their final examination for call to the Bar or admission to the roll of solicitors, more university men entering the law school of the Inns of Court than that of the Law Society. In this way of course the general standard of the preliminary education of students in the law schools of the professional societies is materially increased.

### III. COURSES OF STUDY AT THE LAW SCHOOLS—EXAMINATIONS—DEGREES AND CERTIFICATES.

Coming now to a consideration of the courses of study at the law schools and the examinations, degrees and certificates that follow upon such courses, it will be convenient to look at this whole subject, first, from the point of view of the *under-graduate* courses at the universities and the *quasi-under-graduate* courses in the professional societies, and, secondly, from the point of view of the *post-graduate* courses; and here, as in previous parts of my paper, I shall take up the law schools in two main groups, the law schools of the older and newer universities and the law schools of the professional societies. After this glance at the various law schools I shall hope to show that certain general conclusions may be drawn with reference to all schools, and that, indeed, under much heterogeneity, apparent or real, a fairly high degree of homogeneity nevertheless prevails.

Looking now only at under-graduate or quasi-under-graduate studies in law, we find that at Oxford and Cambridge such courses lead to the degree of B. A.; at Cambridge honours men receiving the degree of LL. B. in addition to the B. A.

There are three sets of law examinations at Cambridge: (1) the law tripos (or honours) examination of the university, (2) the law special examination of the university, (3) the inter-collegiate examination in law; all of these being written examinations.

The most important of these examinations is the first—the law tripos (or honours) examination. It consists of two parts. The first part is made up of seven papers on the following subjects:

- (1) General jurisprudence.
- (2) History and general principles of Roman law.
- (3) and (4) Institutes of Gaius and Justinian, with a selected portion of the digest.
- (5) English constitutional law and history.
- (6) Public international law.
- (7) Two essays on subjects selected by the candidate out of

five subjects suggested by the examiners, such five subjects all having reference to the subject-matter of papers 1-6 inclusive.

The second part of the law tripos examination consists of six papers on the following subjects:

- |  |   |
|--|---|
| (1) and (2) English law of real and personal property. | } With the equitable principles applicable to these subjects. |
| (3) and (4) English law of contract and tort.          |   |
| (5) English criminal law and procedure, and evidence.  |   |

(6) Two essays on subjects selected by the candidate out of five subjects suggested by the examiners, such five subjects having reference partly to the examination subjects of Part I, and partly to those of Part II.

Part I of the tripos is taken at the end of the second year of study and residence; but is occasionally, for special reasons, postponed to the end of the third year. Part II is nearly always taken at the end of the third year (that is, one year after the candidate has passed Part I), exceptionally at the end of the fourth year (that is, two years after taking Part I).

The tripos examination is held at the law school of the university, and one or the other of the five examiners must be present as invigilator at the writing of answers to every one of the thirteen papers, the candidates being allowed three hours for each paper. Part I is held each year toward the end of May, Part II each year very early in June. The result of the examination is announced orally in the senate house by the chairman of the examiners about June 19 or 20; and candidates who have successfully passed both parts of the tripos may then proceed in a few days to take their degrees, the degrees of B. A. and LL. B. both being conferred at one and the same time on each successful tripos candidate.

The law special examination is designed for so-called "poll men," that is, men who do not take or cannot pass the tripos (or honours) examination. It is divided into two parts. Part I consists of three papers on the following subjects:

- (1) Some branch of English constitutional law.
- (2) English criminal law.

Although this examination counts for no university degree, college authorities are, however, generally guided by its results in deciding whether members of their own college shall continue their studies for the tripos or shall change at once to the studies for the ordinary B. A. degree. The governing bodies of colleges are also influenced by the results of this examination in the granting, increasing, or diminishing of scholarships and other college emoluments.

Sometimes a man who has successfully passed Part I of some tripos other than the law tripos will then take one or both parts of the law tripos. In other, and rather exceptional, cases a man will even take his honours degree in some other tripos—for instance, the classical tripos or the history tripos—and will then take one or even both parts of the law tripos. The significance of such a course I desire to discuss in a later part of my paper.

At Oxford courses of study are referred to as “schools,” law studies finding a place in courses of the final pass school and the final honour school of jurisprudence leading to the degree of B. A. It is sufficient to remark here that whether a student be a candidate for the pass or the honours degree, he must pass two examinations—the first public examination, referred to as “moderations,” and the second public examination; in the first public examination special stress being laid on Holy Scripture and the classics.

In the second public examination a pass man, if he takes a certain one of several alternative groups of studies, must in this group take an examination in law, law forming one of the subjects of this group; the other four subjects of this group being (1) English history and literature (*or* Indian history, *or* modern European history), (2) French, (3) German, and (4) political economy. In law the pass man is examined in *one* of four subjects: the English law of contract, the institutes of Justinian, Hindu law, military law.

The second public examination of the honour school of jurisprudence candidates is divided into two parts: (1) the preliminary examination, and (2) the final honour examination; though the candidate may, if he wish, substitute the classical part

of the first public examination for the so-called preliminary examination. If, however, he choose to take the preliminary examination, then he will be examined in the four following subjects: (1) *either* English constitutional and political history since 1066 *or* European history from 800 to 1494; (2) institutes of Gaius, studied with reference to the history and sources of the law; (3) translation from Latin into English; (4) *either* (a) logic or the first book of Bacon's *Novum Organum* *or* (b) a portion of a prescribed Greek, French, or German author.

Having passed this preliminary examination, the honours school of jurisprudence candidate then takes his final honour examination, the subjects of which are the following: (1) general jurisprudence; (2) Roman law; (3) English law (real property, contracts, torts, and constitutional law, together with the history of these branches of English law); (4) international law.

The under-graduate courses of the newer universities of London, Manchester, Liverpool, Leeds and Sheffield extend over a period of three years and prepare students to take the examinations for the degree of Bachelor of Laws (LL. B.); these examinations being two in number—the intermediate at the end of the first year and the final or honours at the end of the third year.

The intermediate examination in all these universities (with the exception of Leeds) includes the following subjects:

- (1) History and principles of the Roman law.
- (2) English constitutional law.
- (3) Jurisprudence.

The University of London includes the history of English constitutional law under subject (2). The universities of Manchester, Liverpool and Sheffield require the candidate for the intermediate to pass in one subject in addition to the three I have just named. At Manchester the candidate must pass in logic *or* political economy *or* ancient history; at Liverpool in logic *or* political economy *or* ancient history *or* English constitutional history; at Sheffield apparently in logic *or* political economy *or* constitutional history. At Leeds the candidate must pass in four

subjects: (1) Principles and history of Roman law; (2) elements of English law; (3) English constitutional law; (4) any subject included in the course for the intermediate examination for the ordinary degrees of B. A. or B. Com. of the University of Leeds. It will thus be seen that Leeds has omitted jurisprudence from the intermediate examination altogether (placing it in the final, as we shall see presently) and has substituted for it the elements of English law.

All of the subjects for the intermediate are obligatory in the University of London. In the other four universities three of the four subjects are obligatory, the candidate having a choice as to the fourth. It will be noticed that the strictly legal subjects are all obligatory in all the five universities. The choice of the fourth subject is as between certain subjects auxiliary or supplementary to the strictly legal subjects.

So much for the intermediate course. The final course, extending over the second and third years, is not the same in all the universities, although there exists, nevertheless, a fair degree of uniformity among the five institutions.

Looking at the subjects set in the final for the ordinary or pass degree of LL. B., we find that all five institutions require the following English law subjects:

- (1) Real and personal property.
- (2) Contracts.
- (3) Torts.
- (4) Equity.

There is one exception to this, in that London does not apparently require a knowledge of personal property as a special and separate subject of examination; although many of the principles of the law of personal property seem to be included in other subjects to be noted presently. The universities of Liverpool and Leeds mention especially, in their requirements for the pass LL. B., that real and personal property includes conveyancing, and Sheffield gives conveyancing as a special subject. Liverpool and Sheffield make special mention of trusts as being included in the subject of equity. Sheffield requires international law in addition to the four usual English law subjects of real



and personal property, contracts, torts, and equity. In addition to real property, contracts (including mercantile contracts), torts, and equity (including trusts, mortgages, partnership, and administration of assets), the University of London requires of pass candidates a knowledge of the history of English law, the law of evidence, the general outline of English civil procedure, English criminal law and procedure, and jurisprudence (analytical, historical and comparative). Manchester requires—in addition to a general knowledge of the four usual English law subjects of real and personal property, contracts, torts, and equity—a more detailed knowledge of one of the following subjects: Succession (testamentary and interstate), trusts, bankruptcy, crimes; this one subject to be selected by the candidate himself.

The University of Leeds stands alone, so far as I know, in giving the candidate a choice between two final courses leading to the pass LL. B., only one course being required; the first course embracing (1) Roman law, (2) jurisprudence, (3) public or private international law, and the second course embracing (1) real and personal property (including conveyancing), (2) equity (including company law), (3) common law (including criminal law and bankruptcy), (4) evidence and procedure, (5) jurisprudence. It will thus be seen that the second of these two final courses at Leeds is distinctly the English law course, this course including, as does the first course also, the subject of jurisprudence. What I said a few moments ago about all five universities requiring the four English law subjects of real and personal property, contracts, torts, and equity, must therefore be taken with the reservation that at Leeds a candidate may choose Course I, which includes no English law at all. If, however, the candidate choose Course II, all the four usual English law subjects are included in his examination.

A word or two should be said about the LL. B. degree with honours; for in three of the five universities now under consideration, the candidate for the degree of LL. B. with honours is required to satisfy the examiners in one or more subjects in addition to the pass degree subjects.

In the University of London the candidate for honours in the final examination may submit himself for examination in either one or both of the two following branches:

(1) English law, including the history of English law, and colonial constitutional law.

(2) Jurisprudence and Roman law, with public international law.

Honours candidates in English law are required to take the two pass papers in jurisprudence and Roman law and five honours papers in English law; while honours candidates in jurisprudence and Roman law, with public international law, are required to take the five pass papers in English law and three honours papers in jurisprudence and Roman law, with public international law.

Liverpool requires the candidate for the honours LL. B. to take the four pass subjects of the final (real and personal property, including conveyancing, contracts, torts, and equity) and in addition to submit himself for examination in two additional subjects. For the first of these two honours papers the candidate has a choice from among the three English law subjects:

(1) Bankruptcy and joint stock companies.

(2) Some branch of commercial law other than (1), to be prescribed from time to time (the subject prescribed for 1910 being the law of commercial contracts in relation to the carriage of goods and insurance).

(3) Criminal law.

For the second of these two honours papers the candidate can choose one of the four following subjects:

(1) Roman law.

(2) Public international law.

(3) Conflict of laws.

(4) Comparative law.

At Manchester candidates for the honours degree are expected to offer themselves for examination in one of the three following subjects:

(1) International law.

(2) Constitutional law.

(3) Conflict of laws.

Examination in this subject, to be selected by the candidate, is in addition to examination in the pass degree subjects, all of which must also be taken by the honours candidate. Candidates who have obtained a first class in both the intermediate and final LL. B. examinations are placed in a separate list as having obtained the degree with honours.

So far as I can discover Sheffield and Leeds have not as yet offered an honours degree in law.

What I have said in regard to the LL. B. degree of the University of London relates, of course, to the present time. It should now be added that revised regulations for the LL. B. pass and honours examination will come into effect in 1910. The subjects of examination will be selected by the candidates from the following:

- (1) English law of contract and tort.
- (2) English law of trusts, mortgages, partnership, administration of assets, injunction and specific performance.
- (3) Principles of the English law of evidence, elements of English criminal law and of civil and criminal procedure.
- (4) Indian evidence act, Indian penal code, and Indian code of criminal procedure.
- (5) English law of real property.
- (6) History of English law.
- (7) Comparative jurisprudence.
- (8) History of Roman law and a portion of the digest to be from time to time prescribed.
- (9) Public international law.
- (10) Private international law.
- (11) Roman-Dutch law.
- (12) Mahomedan law.
- (13) Hindu law.
- (14) Code Napoléon.

The subjects of the pass examination are to be the subjects numbered (1) and (2), and (3) *or* (4), and *either* (a) the subject numbered (5) and one of the subjects numbered (6) to (14), *or* (b) the subject numbered (11) and one of the subjects numbered (6) to (10). There is to be one paper in each of the subjects in which the candidate presents himself.

The subjects of the honours examination are to be any four of the subjects numbered (1) to (14), to be selected by the candidate; and the examination will consist of one advanced paper in each of the four subjects so selected. Honours will not be awarded to any candidate who has not satisfied the examiners in the pass examination as well as in the honours examination. A list of successful pass candidates and a list of successful honours candidates will be published; the honours men are to be arranged in three classes in accordance with their rank in the examination.

But we must leave the universities for a moment and come to the professional societies. Our purpose will be to see what courses of study and what examinations precede call to the Bar and admission to the roll of solicitors; such courses of study being comparable in a sense to the under-graduate courses at the universities.

Section 31 of the new "consolidated regulations" of the four inns of court provides that students shall be provided with the means of education in the general principles of law, and in the law as practically administered in England, and that, for the purpose of such education, systematic instruction shall be given in the following subjects:

(1) Roman law, jurisprudence, and international law, public and private (conflict of laws).

(2) Constitutional law (English and colonial) and legal history.

(3) Evidence, procedure (civil and criminal), and criminal law.

(4) English law and equity, viz.:

(a) Law of persons, including:

Marriage and divorce.

Infancy.

Lunacy.

Corporations.

(b) Law of real and personal property and conveyancing including:

Trusts; mortgages.

Administration of assets on death, on dissolution of partnerships, on winding-up of companies, and in bankruptcy.

Practical instruction in the preparation of deeds, wills, and contracts.

(c) Law of obligations.

Contracts.

Torts.

Allied subjects (implied or quasi contracts), estoppel, etc.

Commercial law, with especial reference to mercantile documents in daily use, which should be shown and explained.

There are four examinations for call to the Bar in each year—one before each term, and in sufficient time to permit the requisite certificates of fitness for call to the Bar to be granted by the council of legal education on or before the first day of each term.

The Bar examination is divided into two parts, and a student must pass in both parts before the council will grant him a certificate.

In Part I every student must satisfy the examiners in each of the following subjects:

(1) Roman law.

(2) Constitutional law (English and colonial) and legal history.

(3) Criminal law and procedure.

(4) *Either* real property and conveyancing *or* Hindu and Mahomedan law *or* Roman-Dutch law.

Part II is called the final examination, and every candidate must satisfy the examiners in four papers:

(a) A paper in common law.

(b) A paper in equity.

(c) A paper on the law of evidence and civil procedure.

(d) A general paper on the above subject, (a), (b) and (c).

The papers in any of these examinations for the Bar may contain questions in jurisprudence and private international law arising out of the subject-matter of the examination.

I should like to note in passing that under these new regulations the candidate is given a choice as to the fourth subject of

Part I. He may choose real property and conveyancing *or* Hindu and Mahomedan law *or* Roman-Dutch law. The significance of this option I shall refer to later on.

A student may present himself for examination in all or any of the subjects of Part I at any time after admission, but, without special leave of the council, no student is allowed to present himself for Part II unless he has kept six terms. No student is allowed to pass in Part II unless he has previously, or at the same examination, satisfied the examiners in all four subjects of Part I.

In all examinations successful candidates are classified according to merit. In each class the names are arranged alphabetically, except as to Class I and Class II in the final examination, in which the names appear in order of merit. A student who obtains a first class at the final examination and who, either before or at such examination, passes in the four subjects of Part I, will receive a certificate of honour.

The certificates of the council of legal education that candidates have passed the requisite examinations entitle the candidates to be called to the Bar by their respective inns.

I have referred in an earlier part of the present paper to the preliminary examination that is required before one can enter into articles of clerkship to solicitors under the solicitors' acts of 1877. The articled clerk must pass two further examinations, set by the Law Society of the United Kingdom, before he will be admitted on the roll of solicitors:

- (1) The intermediate examination.
- (2) The final examination.

The honours examination is open to all candidates who have attained a certain standard of proficiency at the final examination and is upon the subjects specified for the final.

Candidates are allowed to come up for the intermediate examination at any time after the expiration of twelve months' service under articles of clerkship. The subjects of this examination are such elementary works upon the laws of England as the examination committee of the Law Society may from time to time appoint for that purpose, and elementary questions on accounts and book-

keeping. The books set for the intermediate examination of the present year 1909 are Stephen's Commentaries on the Laws of England, Chanler's Bookkeeping and Guide to Trust Accounts, and Onslow's Lawyer's Manual on Bookkeeping.

Certain exemptions from the intermediate examination are permitted, but all persons, except colonial solicitors, must pass the final examination of the Law Society before they will be admitted as solicitors.

The subjects of the final and honours examinations in the present year 1909 are the following:

(1) Principles of the law of real and personal property, and the practice of conveyancing.

(2) Principles of law and procedure in matters usually determined or administered in the chancery division of the high court of justice.

(3) Principles of law and procedure in matters usually determined or administered in the king's bench division of the high court of justice, and the law and practice of bankruptcy.

(4) Principles of law and procedure in matters usually determined or administered in the probate, divorce, and admiralty division of the high court of justice; ecclesiastical and criminal law and practice; and proceedings before justices of the peace.

All honorary distinctions awarded by the Law Society are (with the exception of one scholarship) granted only to candidates who pass the honours examination, which is held on the two days following the final examination. At each honours examination the candidates who, in the opinion of the committee, deserve honorary distinction, are arranged in three classes, the names in the first class being arranged in the order of merit, the names in the second and third classes being arranged alphabetically; and candidates in all three classes receive class certificates of their standing in the honours examinations.

Chiefly on the strength of the final examination certificate, the Law Society sends the admission certificate to the master of the rolls for signature, and when this is signed, the applicant's name is then entered on the roll of solicitors.

This brief sketch will give you some idea of what subjects are

set by the various law schools in the pass and honours examinations. I should now like to look for a moment merely at the pass examination in the various schools and to see what subjects play the most conspicuous role; this survey taking into account the pass examination, based in whole or in part on legal knowledge, in the seven universities of Oxford, Cambridge, London, Manchester, Liverpool, Sheffield and Leeds, and in the Inns of Court and the Law Society. In six of these nine schools of law non-legal subjects as well as strictly legal subjects are set for the examination. These non-legal subjects appear most prominently in the pass examination for the B. A. at Oxford and Cambridge; and this is but natural, for at these universities law is viewed as only a portion of the pass course leading to the degree in arts. At the others, the newer universities, the degree for which the pass examination is set is not B. A. but LL. B., and at these five universities non-legal subjects occupy an entirely secondary position in the examination. In the pass examination of the professional societies non-legal subjects may be said not to be present at all; that is, if we leave out of account the subjects of accounting and bookkeeping in the examination of the Law Society.

Looking now only at the strictly legal subjects, and including both required and optional subjects, we find that contracts are set in the pass examination of all nine schools. Next in order come the subjects of real property and torts, which form part of the examination of eight schools. In seven schools the examination includes equity, in one or more of its branches, English constitutional law, jurisprudence, and Roman law. Then come personal property and criminal law and procedure as forming subjects of examination in six schools. Conveyancing is a subject of examination in five schools. Four schools examine in evidence and civil procedure. Candidates in three schools are examined upon bankruptcy and the history of English constitutional law. Each of the following subjects is examined upon in two schools: Elements of English law, history of English law, public international law, private international law, and Hindu law. The following subjects form part of the examination in only one school respectively, namely, colonial constitutional



law, Mahomedan law, Roman-Dutch law, probate, divorce and admiralty law, ecclesiastical law and practice, and military law.

This survey will give some conception of the stress that is laid upon the various subjects in the pass examination of the schools. My statistics may not be strictly accurate, for there is some overlapping, and there is also some difficulty in classifying certain subjects as they are given in the publications of the various schools.

Although I have not indicated what subjects are required and what subjects are optional, that is not really necessary for my present purpose. As a matter of fact, options play a very inconspicuous role in the pass examination, nearly all of the subjects being required subjects. In the honours course there are a fair number of options, and this number seems to be increasing.

Looking now at both the pass and the honours courses in the various schools, both at universities and in professional societies, it is important to observe that these courses are all essentially under-graduate courses leading either to the first university degree or entrance into one or the other of the two branches of the legal profession. If now we consider all of these courses, both pass and honours, and both under-graduate at the universities and quasi-under-graduate in the professional societies, and if we leave out of account for the moment variations and exceptions in one or the other of the schools, we find that the law course in these English law schools consists fundamentally of the following four subjects:

- (1) Roman law.
- (2) Jurisprudence.
- (3) Public international law.
- (4) English law (including, especially, constitutional law, criminal law, procedure and evidence, real and personal property, contracts, torts, and equity).

Certain schools are exceptional. In the Law Society, for instance, nearly all of the courses and nearly all of the examinations are upon English law. But looking at the matter very generally, we may say with fairness, I think, that these four

subjects form the essential part of the course of study at an English law school.

In general this course of study is divided into two parts or sections. In the first part are usually the subjects of jurisprudence, Roman law, public international law, and one particular branch of English law, namely, English constitutional law. In the second part attention is usually devoted to the remaining parts of the English law, and this second part is indeed essentially the English law part.

It will be observed, therefore, that two of the four subjects usually found in the first part of the whole course, namely, Roman law and jurisprudence, possess primarily an educational value, and are to be viewed as really preparatory to the study of the modern law; and the same remark applies also to the subject of constitutional history, when that is included either expressly or impliedly under English constitutional law. Constitutional law, public international law, and all the branches of English law included in the second part of this English legal course may all be looked upon as courses in the law of the present day.

It is to be noted, then, that a very considerable portion of the three-year under-graduate course of the English law schools is devoted to subjects which in certain American law schools would be viewed as pre-legal courses, and that, in consequence, the time to be spent upon the English law of the present day is very materially reduced. I hope to say a few further words with reference to this matter later on in my paper.

So far I have been speaking of the courses leading to the under-graduate degrees of the universities and the qualifying certificates of the professional societies; and, as we have seen, the various schools provide lectures and classes for their own examinations. Now, in addition to such lectures and classes, nearly all, if not quite all, of the law schools provide lectures and classes in preparation for one or more examinations in one or more of the other schools; this system of co-operation being perhaps most fully developed in the newer universities.

Neither at Oxford nor Cambridge are there special lectures or classes in preparation for any examinations outside of the uni-

versity itself. But although no special effort is made at these universities to prepare for the examinations of other schools, it is nevertheless true that the law courses at Oxford and Cambridge do in fact prepare in part or in whole for the examinations of other university and professional law schools; and many students of Oxford and Cambridge do most of their preparation for the Bar and solicitor examinations at the university, the examinations at the universities and at the Inns of Court and Law Society covering, at least in part, the very same ground.

At most of the newer universities there is conscious and special effort to prepare their own students not only for their own examinations, but also for various other examinations at other schools, both lectures and classes being arranged with this object in view. Thus, merely by way of illustration, at Leeds and Manchester special classes are held for those students who intend to take the examinations of the Law Society.

As regards the law schools of the great professional societies, one notes that the council of legal education makes no special effort to prepare for any but its own examinations, although of course certain of its courses and classes prepare also both for university and Law Society examinations; while in the law school of the Law Society, on the other hand, there are special classes to assist candidates for the London University LL. B. examinations.

Provincial law schools have also adopted this system. The Birmingham board of legal studies, for example, has a special class for the LL. B. degree of London University.

Growing up as a part of this system of reciprocal assistance to students preparing for the examinations of other schools, there has also been developed an elaborate scheme of exemptions from examinations in cases where candidates can produce evidence of having already passed elsewhere examinations or tests of equal scope and severity. This system of exemptions has been much more fully developed in the universities than in the professional societies, the latter being very sparing in their exemptions. Thus, the Inns of Court grant only one exemption, Section 50 of the consolidated regulations providing as follows:

The council may accept as an equivalent for the examination in Roman law :

(1) A degree granted by any university within the British Dominions, for which the qualifying examination included Roman law.

(2) A certificate that a student has passed any such examination, though he may not have taken a degree for which such examination qualifies him ; and

(3) The testamur of the public examiners for the degree of civil law at Oxford that the student has passed the necessary examination for the degree of Bachelor of Civil Law ; provided the council is satisfied that the student, before he obtained his degree, or such certificate or testamur, passed a sufficient examination in Roman law.

The Law Society exempts barristers of not less than five years' standing who procure themselves to be dis-barred with a view to becoming solicitors, from the intermediate examination ; and the following certificates exempt any candidate from the law portion of the intermediate examination : (1) A certificate of having before or after entering into articles passed the examination required for the degree of B. C. L. or LL. B., at one of the following universities in the United Kingdom, viz. : Oxford, Cambridge, London, Dublin, Durham, Wales, Birmingham, Liverpool, Leeds, or the Victoria University of Manchester ; or (2) a certificate of having, before entering into articles, taken honours in the final honour school of jurisprudence at Oxford or in the law tripos at Cambridge.

The only exemption of the Law Society from the final examination is in the case of colonial solicitors, to whom the colonial solicitors act of 1900 applies.

You will thus see that the only exemptions granted by the great professional societies are, with one exception, in Part I of the Bar examination and in the solicitors' intermediate. The final examinations both for the Bar and for admission on the roll of solicitors must be taken by all candidates, with the one exception of colonial solicitors to which I have just adverted.

I have referred at one place or another to the system of

granting honours degrees in law at universities and of giving certificates of honour and distinction in the professional societies for excellence in examinations. This system has undoubtedly increased the interest of students in their studies and thus contributed very materially toward raising the standard of the examinations. The elaborately developed system of granting prizes, scholarships, studentships and exhibitions for attaining distinguished positions in one or the other of the various law examinations has also aided in the attainment of these same ends both at universities and in professional societies. Often these distinctions carry with them emoluments of a very considerable amount which materially assist students of marked ability and slender means in the further pursuit of their academic or professional studies in law.

As regards the mode of conducting examinations, there is not much to say. The examinations for the under-graduate degrees in law and for entrance to the legal profession are all in writing. Although in general the examiners have also the right to examine candidates *viva voce*, little if any use seems to be made of this privilege; and the English examination in law is thus essentially a written one. In the Bar examination the *viva voce* is now abolished.

Examiners are especially appointed by the various institutions and bodies providing instruction and they receive special fees for their services. Each board of examiners includes among its numbers both resident members of the teaching staff and also non-resident experts in law—the so-called internal and external examiners. Sometimes it may well happen that a resident examiner sets papers in the subject or subjects upon which he delivers lectures; but this is never necessarily the case. There is therefore, in this respect, a marked difference between the English and American systems; in America the lecturer himself usually examining in his own subject after the delivery of his own course of lectures.

During his residence at the law school the student has certain social and literary advantages to which I should like to refer. There exist at the law schools various voluntary societies or

associations for the purposes of social intercourse, debate and legal discussion; and at some of the schools the students also edit journals or magazines containing items of interest to members of students' societies and to others engaged in legal studies. Some of the societies devote a good deal of time to debate of social and political as well as of legal questions; while other societies, especially perhaps the so-called moots, devote their chief energies to the arguing of stated cases, and are much like the law clubs in the schools of America. Personally I feel that these law students' societies, moots, and periodicals are a valuable assistance to the students in their social life and legal training, and do not in most cases consume an unfair proportion of the student's time. It may well be that the leaders in these students' activities sometimes spend more time in this way than is good for their examinations; but even so, such men have acquired special knowledge and practical skill which may be in later life of a value to them at least equal in degree to a few marks in their examination. In general these student organizations and enterprises are encouraged by the teaching staff of the law schools; and in some cases, as in America, members of the teaching staff join the students in some of their meetings and discussions.

As regards length of residence and amount of attendance on lectures and classes at law schools, we may note that the undergraduate course at universities is one of three years. In general the student may, if he wishes, increase this to four or even five years; and in general, too, the course may be cut down to one or two years in the case of students who are already graduates of the same university in some other faculty or graduates of other approved universities. At the older universities of Oxford and Cambridge attendance on lectures and classes is a tutorial matter and does not necessarily concern either the university or the collegiate teaching staff as such. Usually the colleges require regular attendance of their students. At the newer universities the university itself exacts a regular number of hours of attendance upon law lectures and classes.

Coming now to the professional societies, we find that at the Inns of Court a student must, before he can be called, keep twelve

terms. These twelve terms cover in all a period of three years, but the terms need not necessarily be consecutive. Keeping a term means dining in hall in the inn of which the student is a member six days during the term, reduced to three days in the case of students who are at the same time members of some university in the United Kingdom. The Inns of Court require no attendance at lectures or classes; but attendance-books are kept by the lecturers, and it is desirable for students to attend at any rate a certain number of lectures and classes, inasmuch as the examinations have rather special reference to the subject-matter of the examination as treated in the lectures and classes of the teaching staff. A student of an inn may present himself for examination in any or all subjects of Part I of the Bar examination at any time after admission to the inn as a student; but, without special leave of the council, no student is allowed to go up for his examination in Part II unless he has already kept six terms. In case, therefore, a student has passed both parts of the examination by the end of his sixth term, he must wait and keep six more terms by dining in hall before he can be called. Although the length of time required between admission to the inn and call to the Bar is three years, a good student may, as far as his studies are concerned, actually cut this down to at least one-half, preparing himself for the examinations, therefore, in something like one and one-half years.

In general articulated clerks are required to serve five years before they will be admitted as solicitors; but a university law degree cuts down this term of service to three years. Candidates may come up for the intermediate examination after the expiration of twelve months of service under articles. The final examination may be taken at the end of the period of service or even before that time.

Articled clerks are not required to enter the law school of the Law Society, or indeed, so far as I know, any provincial law school preparing especially for the examination of the Law Society; and if an articulated clerk does enter the law school of the Law Society, his attendance upon lectures is purely voluntary. Statistics show, however, that the attendance is very satisfactory.

In the view of the council of the Law Society, the minimum time in which a student of the Law Society's school may prepare himself for his intermediate is six months and for his final is one year—making a minimum of one year and a half for the entire course.

Apart from the legal training secured by his studies, privately and at the law schools, the articled clerk obtains—and must obtain—a practical training in the office of a solicitor during the three or possibly five years of his articles; the articled clerk usually, even in the case of a university graduate in law, carrying on his practical work and his reading at the same time.

As yet the Inns of Court have made no requirement of attendance in the chambers of a barrister, for the purpose of studying the practice of law, before call to the Bar; the students being only advised in the consolidated regulations to secure this practical experience if possible. There is a proposal now under consideration, however, to compel a student to enter chambers for a period of at least six months before call. I have not time here to enter upon a discussion of the desirability and feasibility of this change. I only wish to remark that it is already perhaps the usual thing for students of inns who seriously contemplate practice to spend some time in chambers before being called. The university law graduate spends an additional year or so in concurrent study and practical work in chambers before his call, and the non-university student also usually reads in chambers with a barrister before his call. Of course a certain number both of these university and non-university men thus reading in chambers are also at the same time attending the classes and the lectures of the readers to the Inns of Court.

Having reviewed—even very hastily and inadequately—the courses leading to the under-graduate or first degree in law and to entrance into the profession, I wish now to draw your attention to advanced and post-graduate work and the higher degrees and distinctions.

Nearly all, if not quite all, of the law schools of the universities, offer opportunities for advanced and post-graduate studies; these opportunities taking the form of lectures and classes on



special and advanced subjects, and even of research work in seminars or otherwise under the direction of some member of the teaching staff who is an expert in the subject. The law schools of the professional societies do not provide special opportunities for studies after the passing of the final and honours examinations for call to the Bar or admission on the roll of solicitors: but at least the Law Society has advanced classes in special subjects for holders of Law Society scholarships and for other men desirous of acquitting themselves with high distinction in the honours examination. The Inns of Court have no advanced courses, unless one may view the courses in Roman-Dutch law and in Hindu and Mahomedan law as advanced courses for those students who may wish to take them, not as preliminary to call, but as additional to the required or optional subjects of their Bar examination itself. At the universities post-graduate courses of study and original work lead to post-graduate degrees, namely, B. C. L., LL. M., D. C. L., and LL. D.

The first post-graduate degree at the universities of Oxford and Durham is that of B. C. L. At these universities bachelors of arts may proceed to the degree of B. C. L. after an additional course of study and examination. At the university of Oxford the examination for the B. C. L. is open to B. A.'s of Oxford in the twenty-seventh term from their matriculation, and to graduates in arts, philosophy or science in some other university who spend at least eight terms at Oxford in advanced legal study. The examination includes: (1) Jurisprudence, general or comparative, (2) Roman law, (3) English law, (4) international law; and the examination is partly in writing and partly oral. It is a serious and severe test. This year thirty-one candidates entered their names for it, seven of this number being successful. At Durham the candidate for B. C. L. must have a standing of at least twelve terms from the date of his admission to the degree of B. A. The examination subjects are: (1) Roman law, (2) jurisprudence, (3) English law of contract, (4) English law of real property, (5) English law of personal property, (6) *either* international law *or* English constitutional law. Candidates are

also expected to show an acquaintance with the chief cases in the English law subjects.

The post-graduate degree of LL. M. is conferred by the University of Cambridge. The candidate for LL. M. must in general have attained a very high standard of excellence in both parts of the law tripos examination, or as an LL. B. or B. A. or M. A. of the university have either attained honours rank in one part of the law tripos, or be qualified to practise as a barrister or solicitor. His dissertation must be viewed as satisfactory by the degree committee of the law board, and the referee or referees appointed by the committee to examine the dissertation has or have a discretionary power to examine the candidate either orally or in writing upon the subject of the dissertation.

At Liverpool the first post-graduate degree in law is that of LL. M. It may be conferred on LL. B.'s of Liverpool University, of not less than one year's standing, on the completion of post-graduate study; and the degree is also open to the graduates of other universities.

In these four universities of Oxford, Durham, Cambridge and Liverpool a second post-graduate degree is conferred, namely, the doctorate. At Oxford and Durham this degree is that of D. C. L., and at Cambridge and Liverpool that of LL. D. In general the doctorate is conferred only after a certain number of years—usually five—have elapsed from the date of admission to the previous degree, and only after satisfying the examiners by thesis or examination. There is no examination for the doctor's degree at Oxford or Cambridge.

In the universities of London, Manchester, Sheffield and Leeds the first post-graduate degree in law is the doctorate itself (LL. D.), which is conferred after an interval of from four to six years after the taking of the LL. B., and on the basis of advanced original work evidenced by thesis and examination.

I have drawn up the following table of eight universities which will give you an idea of the scheme of under-graduate and post-graduate degrees based wholly or in part on legal study and examination:

UNIVERSITIES.	Under-graduate degree.	Post-graduate degree or degrees.	
		First.	Second.
Oxford, Durham, Cambridge,	B. A.	B. C. L.	D. C. L.
	B. A. (non-legal)	B. C. L.	D. C. L.
	B. A. (pass) or	LL. M.	LL. D.
	B. A. + LL. B. (honours).		
Liverpool, London, Manchester, Sheffield, Leeds.	LL. B.	LL. M.	LL. D.
	LL. B.	LL. D.	
	LL. B.	LL. D.	
	LL. B.	LL. D.	
	LL. B.	LL. D.	

#### IV. METHODS OF INSTRUCTION AND STUDY AT THE LAW SCHOOLS.

Speaking quite generally we may with fairness say that the English method of oral instruction in law, not only at the universities but also in the professional societies and the provincial schools of law, is a combination of (1) formal lectures on the various subjects of study and examination and (2) informal instruction to students individually or in small classes on the subject-matter of the lectures, the lectures usually preceding the individual or class work.

The professors, readers and other lecturers endeavor in their formal public lectures to set forth the general principles of the law, or, if their subject is historical—for instance, Roman legal history or English legal history—to trace the development of the law in a given country and a given period. In the course of these lectures the lecturer refers to and discusses both the sources and the literature of his subject; he brings to the attention of the students the statutes and the cases as well as the views of the writers of text-books and monographs. Lecturers vary, of course, as to method and style of presentation. Usually I should say lecturers state principles and then illustrate these principles by means of decided or hypothetical cases; and usually they speak slowly enough for the students to take down full notes, sometimes indeed the entire lecture practically amounting to a dictation. In the case of other lecturers the delivery is

more rapid, and the student must himself judge of what it is important for him to take down and what he can safely omit. Some lecturers dictate certain important principles or points which they wish the students to put in their note-books; and they then freely elaborate and illustrate these principles or points with the eyes and the minds of the students centered upon them and their discourse; while other lecturers, on the contrary, give no dictation of any kind and speak freely the entire time. It is usual for lecturers to give more or less dictation, and students seem to feel that they have not profited by the lecture unless they can carry away a certain number of notes for study and for revision shortly before the examination. On the whole those lecturers seem to be most popular who state slowly and emphatically—essentially as dictation—a certain number of leading principles and points, and who then impress these principles and points upon the memory of the students by lucid and free exposition in elaboration and illustration.

Again, speaking quite generally, we may say that no class discussion takes place at these public formal lectures, although of course lecturers answer questions of individual students at the end of the lecture and even while the lecture is in progress. In cases which we must view as exceptional the lecturer endeavors in the course of the hour to get the students to ask and answer questions and indeed to enter into a general class discussion. I once had the pleasure of listening to a lecture by Professor Maitland on trusts, and I remember talking with him on one or two occasions with reference to his usual method of lecturing. He told me he lectured with no attempt at dictation, and that in later years he had endeavored to break up the stiffness of the formal lecture by an occasional question put to some student, with the idea of bringing on a class discussion of the point in question; and sometimes, he said, he even left the rostrum and went down among the students, in order to overcome, if possible, the formality of the lecture-room and the shyness of the students. Other lecturers endeavor to do much the same thing. But such lecturers are, I believe, more the exception than the rule, and the public lecture is usually an exposition—and an exposition only—on the part of the lecturer.

Some public lecturers give their students a printed syllabus or outline of the whole course of lectures. Such a syllabus contains the principal points discussed by the lecturer and thus avoids, in part anyway, the possible necessity of dictation at the lecture itself. The syllabus sometimes contains not only helpful notes on reading, but also lists of statutes and cases to be taken up at a later hour in the individual or class discussion of the subject-matter of the lecture.

The delivery of public formal lectures is, indeed, either accompanied or followed by (1) the reading, on the part of the student, of at least some of the original sources and at least portions of the literature bearing upon the subject in hand, and (2) informal instruction to students individually or in small classes, the students freely asking questions and entering into a full discussion of the principles or points with the instructor; the instructor being either the formal lecturer himself or some other teacher.

It is not necessary to describe in detail the student's course of reading. It is sufficient to say that at all the schools the student's reading is more in the literature than in the sources. In Roman law he reads the institutes of Gaius and Justinian, a portion of the Digest, and one or more modern systematic treatises. In jurisprudence he reads chiefly Austin, Maine, Salmond, Holland, and Pollock. In international law his principle books are those of Hall, Lawrence, Holland, Westlake, and Oppenheim. In English law he reads a certain number of select cases in certain subjects (using, for instance, Kenny's cases on torts, Kenny's cases on criminal law, and Finch's cases on contracts); but he devotes more attention to the standard treatises, such as those of Anson, Dicey, Kenny, Salmond, Pollock, Ashburner, and Williams.

Owing to its high importance in the English system of legal education I should like to say one further word with reference to the informal oral instruction.

At the outset it is helpful to bear in mind, that the instructor at the informal conversations, conferences and classes is sometimes the very one who has that same day or on a previous day delivered a formal lecture on the same subject-matter as that

as teacher in some law school, while others of them devote their entire time to private un-official work. Some of the best of the coaches are excellent instructors and attract large numbers of pupils; and sometimes they occupy a quasi-official position, in that some college lecturer or tutor will send his own college pupils to them for additional assistance in some subject or subjects.

You will thus see that various elements enter into the preparation of students for the examinations of law schools. Written instruction is given the student by the reading of statute and code and decision and by the reading of text-book and essay and lecture-syllabus; oral instruction is given him by attendance upon lecture and personal conversation and class discussion. His instructors are public and official, and they are private and un-official; he not only hears the lectures of university professors and readers and lecturers, but he also attends the lectures of the teaching staffs of colleges; he not only attends the informal conversations and conferences and classes of university and collegiate teachers, but he also engages the services of a private coach. Sometimes a student avails himself of all these aids to his preparation; sometimes a student omits one or the other, be it the lectures of university, collegiate or other teachers, be it the services of a private coach, or be it some other of the opportunities he has for receiving instruction. A student gets one thing from one book or teacher, and another thing from another book or teacher.

Of course both the reading and the attendance upon lectures and classes are supervised by official persons, such as college lecturers and tutors and directors of legal studies, and of course there is, in general, in the case of each student, a systematic course of instruction which he is following and from which he is profiting. But what I wish to bring out is that as part of this system of official supervision by lecturer or tutor or some other director of studies, the student is generally permitted to avail himself of those aids which are best adapted in his individual case to bring success in the examinations.

Before I conclude these very fragmentary and inadequate remarks on the methods of instruction and study you may like to hear one or two words on the correspondence method of instruc-

tion adopted by the Law Society for non-resident articled clerks and on the use of cases in English law schools generally.

The law school of the Law Society is—so far as I know—the only school of law in England with a fully developed system of instruction by correspondence. This system has grown up for the special benefit of articled clerks who live at a distance from London and cannot therefore attend the oral lectures and classes of the Law Society. In the official report of 1906, on the working of the Law Society's new scheme of legal education, it is stated that the correspondence students are "furnished with weekly papers in each subject, which direct their attention to the more important features of it; and they write answers to these papers, which are carefully read by the tutors, who return them with full comment, pointing out errors, and suggesting further study where necessary. Like the oral students, correspondence students are furnished with full syllabuses on each subject, and also with printed instruction containing advice on the method of study, and suggestions for making the best use of the system. They are also entitled to sit for the terminal examination."

The entry and attendance of students under this correspondence system show that it is appreciated by articled clerks; but, as the report of 1906 says, the number of these correspondence students of the Law Society will probably tend to decrease with the establishment of additional law schools throughout the country.

From the very beginning of their study of English law the students at the best law schools of England are encouraged to familiarize themselves with some at least of the leading cases. But this study of cases is made to fit in with the general method of instruction and study which I have already described, that is, the method of combining the formal lecture with subsequent informal tuition in the subject-matter of the formal lecture. The lecturer discusses decided cases in his formal lectures; he gives the facts and the opinions of the court in the leading cases bearing upon his subject, and he then proceeds to discuss or criticize these cases in their relation to other cases or to statutes; but in his whole treatment of the case the lecturer is in most

instances merely using the case as illustrative of the principle of law which he has already set forth and expounded by dictation or by free exposition. Some lecturers, of course, introduce certain principles of law to the attention of their students by means of stating decided cases, which they then go on to discuss in connection with the subject-matter of the lecture.

Knowing thus from the public lecture—or perhaps also from the text-book—that the case of *X vs. Y* stands for a certain principle or doctrine of law, the student then reads this case in the original report itself or in some collection of cases, such as Finch's cases on contracts or Kenny's cases on torts.

After the student has heard the case discussed by his lecturer and after he has read it for himself in case-book or in report, he is then expected by his informal instructor to know the main facts in the case and the principle of law that it stands for. If the informal instructor is aware of his opportunity, he is not content to draw a merely perfunctory statement of the case from the student, but he goes on to test the student's real understanding of the principle involved and of its relation to other principles of the law. By this means the informal instructor not only impresses the knowledge of the case itself upon the student's mind, but he also helps in the real development of the student's powers of legal reasoning. Of course all instructors do not set this high standard for themselves; but I believe that there are a fair number of teachers who realize the importance of case-study for the student of English law and who do the utmost they can to employ the present method of instruction to the best advantage of the student, not only in adding to his knowledge of legal principles but also in increasing his capacity as a legal thinker, not only in his preparation for examinations but also in his preparation for the whole subsequent career that awaits him as a barrister or as a solicitor.

This discussion of cases at the informal conversation or class sometimes takes place on the same day as the lecture, sometimes at the end of a week's lectures, and sometimes at an even greater distance of time from the holding of the formal lecture. Thus, the so-called "revision classes" are usually held some little time



after the delivery of the formal lectures and shortly before the holding of the examination.

This kind of case-method is in use, I believe, in most of the English law schools, some of the schools, however, laying more stress on case-study than others do. The study of cases occupies, however, quite a secondary place in the English system as a whole, primary stress being laid upon the hearing of formal lectures and the reading and informal discussion of lecture-notes and the leading text-books upon the subject. Cases come in incidentally by way of illustration. In other words, the inductive case-method, as it is known and employed here in America, is quite different from the deductive case-method used in England. Even when a course is divided into two parts, the first term being devoted to formal lectures and the second term being devoted to a class discussion of the leading cases on that same subject, after these cases have been read by students in their Finch or in their Kenny, the method employed is not different from the general English method of instruction and study; for even here the lecture precedes the class discussion of cases. As you will see, therefore, the case-method as employed in English law schools is not unlike the method of legal educators in America who have not adopted the method of Harvard.

## V. THE PRESENT AND THE FUTURE.

There exist in England, accordingly, two great groups of law schools—those of the universities and those of the professional societies; the provincial law schools belonging in reality under this second category. The aims, the courses of study, the personnel of the teaching staff, and the methods of instruction in these two sorts of schools are in certain respects the same and in certain respects different. The aims are the same in this, that both are endeavoring to prepare students for the legal profession, and that they also train men for the civil service and other branches of activity; while the aims are different in this, that the university law schools aim perhaps more at the theoretical and scholarly preparation of the student, while the professional

law schools aim perhaps more at his practical and immediately-useful training. The courses are the same at many points, especially perhaps, in such fundamental subjects as constitutional and criminal law, real and personal property, contracts, torts, and equity; and the courses are alike in this, that they are mostly either under-graduate or quasi-under-graduate courses, neither the university nor the professional law schools exacting of the student an academic degree before his admission to the studies, the examinations and the degrees and certificates of the school. The courses are partially different in their subject-matter owing to their difference in aim; the courses of the universities including, rather specially, theoretical and historical subjects, the courses at the schools of the professional societies, on the other hand, being concerned, rather specially, with such practical subjects as procedure, conveyancing, bankruptcy, accounts and even bookkeeping. The methods are the same, for all schools teach by the combination of formal lecture and informal tuition; but in the importance placed upon the study of legal instruments and documents, such as contracts, wills and deeds, at the professional law schools, there is here observable a certain difference, as between the two kinds of schools, in method of instruction. The teachers in both kinds of schools come to their work with essentially the same educational preparation, for both the teachers at the universities and those in the professional societies are men of university training; but there is this difference between them, that teachers at the professional society schools are nearly always engaged also in active practice and merely devote a part of their time to teaching, while the teachers of the universities are for the most part, men who, though they are members of the profession, are not actually engaged in active practice and devote indeed all or nearly all of their time to the study and teaching of law.

I have been speaking, throughout this paper, as if all or nearly all of the English lawyers secure their training at one or the other or at several of the English law schools; but of course there are many barristers and many solicitors who have studied privately, perhaps with more or less assistance from private teachers.

The procedure of students in acquiring their non-legal and legal training is not so uniform in England as it is in Germany and in America. We may in a rough way classify English lawyers from the point of view of their education at the time they enter the one branch or the other of the legal profession. In the first group are men who have attended some public school, such as Rugby, and who have then taken a university arts course in some non-legal subject or subjects, such as mathematics, classics, and history, taking their B. A. in one or more of these subjects. Men of this group have then proceeded to take a university course in law (for instance, the law tripos at Cambridge, the B. C. L. course at Oxford, or the LL. B. course at London), and have then spent a few months or even a year in reading in the chambers of a barrister or have devoted three years to work as a clerk in the office of a solicitor; and at the same time such men have perhaps attended some of the lectures and classes at one of the professional law schools, the school of the Inns of Court or that of the Law Society. Men of this type are of course exceptional, and represent on the whole the highest standard of legal training in England.

In the second group are men who attend a public school or an institution of similar standard, but who omit any further training in non-legal subjects and who go at once to the university to take their honours examination in law; thereafter proceeding as soon as possible to their examinations for entrance into the profession, possibly engaging in some further study while they are at work in chambers or in offices. Such men are very common and make up a fair proportion of the students of law.

In the third group are men who are educated at secondary schools, and who then read law either in the professional schools or privately in preparation for their law examinations for entrance into the profession.

In the fourth group are to be placed the men who are privately educated both in non-legal and in legal subjects, passing their Bar or solicitors' examinations as soon as possible and with as little trouble as possible.

This is, I fear, a very rough grouping of English law students,

but it will perhaps indicate to you that some English lawyers have received a better education, both non-legal and legal, than others.

My purpose being merely to set forth the system as it is, it does not fall within my duty to attempt any solution of the problems that perplex and will perplex legal educators in England; and a discussion of such problems would necessarily involve a much longer time than now remains to me. But I may perhaps be permitted to draw your attention, in one or two words, to certain features of the present system that may possibly call for revision in the future. Certain critics might say that there are four important defects in the present system, namely, (1) that the preliminary education of students is in the great majority of cases too short and restricted, the result being that such students begin their professional studies at too early and immature a period in their career; (2) that the time now spent in the study of English law is altogether too short, and that there is, in consequence, too little specialization and detailed study of the various different branches of the law; (3) that the present method of instruction and study aims perhaps too much at the mere acquisition of knowledge and too little at the development of the student's legal reasoning powers, preparation for an examination and not the most careful preparation for high professional success in the future being too often the predominate idea in the minds both of teacher and of student; (4) that the carrying on at the same time of legal studies at the law school and of practical work in chambers or in an office too often results in serious detriment to the proper training of the student in the history and principles of the English law and of other bodies of law with which the carefully-trained lawyer should have at least some acquaintance.

Let us look at these four points of the critic. As regards his first point, it must of course be admitted that the preliminary non-legal education of many students is, looked at from the highest standards, incomplete and inadequate. This defect in the preliminary education of such students could be remedied by their taking one or two or even three years of university work

in non-legal subjects, such as history, classics, natural science, and mathematics, before beginning the study of law in the law school of their own university or at some other university or professional school. I have already drawn your attention to the fact that there are at the present time a certain number of such men, and more and more students should be encouraged by one means or another to do likewise. A further development of the system of prizes and scholarships, for instance, might help toward this end. An effective means of broadening the preliminary education would be, of course, the insistence by the Inns of Court and the Law Society upon a higher standard in their own preliminary examinations.

The critic's second point, that the time now spent in the study of English law is far too short, and that there is consequently too little detailed study of the various branches of the law, is a point that demands serious reflection. At certain schools two years are spent upon English law, but at other and perhaps at most schools the course in English law is essentially a one-year or a one-and-one-half-year course. The time to be spent on English law could be increased by reducing somewhat the time spent on such subjects as Roman law, jurisprudence and public international law; but there can be no doubt that English legal educators are right in insisting upon the high importance of such subjects, for they not only have an educational value but also a practical significance as regards various branches of the English law itself. The general standard of the English legal educational system would undoubtedly be reduced by any step calculated to decrease the importance of these great subjects. The critic's objection might be answered by an extension of the entire law course from the usual three years to four or even five years. In principle, such a step would undoubtedly be admirable, but, as the course of legal study is so embedded in the whole educational system of England, any such proposal would demand the most serious study both from theoretical and practical standpoints. Taking the system of legal education as it actually exists today, there can be no doubt that the number of students who spend four or even five years in legal study might be materially in-

! increased by an extension of the curriculum to include more courses in English law of a special and advanced character, and also perhaps by a further judicious use of prizes, scholarships, and other distinctions and emoluments as an aid and stimulus to a higher quality of work in English law.

The critic's third contention, that the present method of instruction aims more at the acquisition of knowledge for examination purposes than at the highest training of the student in mastery of principles and in capacity for legal reasoning, is supported, in part anyway, by conditions as they exist. But instructors differ both in capacity and in opportunity, and while the critic's contention may well apply in certain cases, it certainly does not apply in others. Instructors of the highest type certainly do not aim merely at preparing their pupils for an examination, but they have also constantly in mind the student's preparation for the best possible career as a barrister or as a solicitor. Undoubtedly the present method of instruction does lead in many cases to cram-work with the assistance of private coaches, and in general the extensive use of text-books and the large amount of time spent in private tuition, either by official or un-official teachers, do prevent the student from relying upon himself as much as he should. There are those who believe that the advantages of the English method of instruction by means of public formal lecture and of private informal discussion would be in all essential particulars retained in the employment of the inductive case-method of study and instruction; the hour spent with the instructor under this latter system combining as a matter of fact both the lecture and the class discussion. But the study of decided cases in preparation for lecture and class discussion demands, of course, a considerable amount of time, and any extensive use of the inductive case-method in English law schools would necessarily involve a higher standard of preliminary or non-legal education on the part of students generally, and an extension of the time to be spent in the study of English law. Even under present conditions, however, the inductive case-method might well be employed for those students who have superior preliminary training and superior intellectual capacity;

and experience in conversation-classes on cases, under the present system, leads one to the conclusion that the better men would welcome such a departure and would greatly profit by it. The extensive use of this inductive case-method would, I believe, do much toward the rooting out of mere cramming for examinations; for this method necessarily involves careful preparation and the development of the student's own reasoning capacities.

The critic asserts, in the fourth place, that too many students carry on their studies and their practical work in chambers or in offices throughout one and the same period of time; this system resulting in serious detriment to the theoretical education of the student, his time for study being interrupted at every step by the necessities of his practical work. I assume that our critic is of the opinion that the student's education in the history and principles of law should precede in time his education in the practice of the law, our critic's idea being that the student, with greater time for study and the consequent advantage to his theoretical training as a whole, will be better enabled to grasp and to solve the problems that await him in his practical work. There is undoubtedly a good deal to be said in favor of carrying on studies and practical work during the whole period of a student's education in law, the theoretical and the practical aiding and supplementing one the other. But it would seem desirable, on the whole, that at least a very considerable portion of his course of study should not be interrupted, as it is at present in a good many cases. Law students at certain of the universities, more especially Oxford and Cambridge do, of course, spend considerable time in uninterrupted study before they become immersed in practical work; and certainly, from the point of view of the highest possible training of students generally, the number of such men should be greater in the future than at the present time.

I feel sure that the distinguished legal educators who are to take part in the discussion of my paper will materially assist the critic and all of us to a way out of the difficulties. I wish merely to say in conclusion, that the organization of the new society of public teachers of law in England and Wales, with

Professor Goudy, of Oxford, as president, is an earnest of the future; for the labors of this new society will be somewhat the same as those of the Association of American Law Schools, and I feel sure that teachers of law on the other side of the Atlantic will undertake the solution of their problems with the same earnestness and high purpose that you have manifested here.

The present is indeed a time of hope. There are now about two thousand law students and about one hundred public teachers of law in the various English law schools, and these numbers are constantly augmenting. More interest is being shown both by teachers and by students. The curriculum is gradually expanding; the system of electives is being further developed; and more and more work in advanced and special subjects is being undertaken.

These are happy auguries for the future. From age to age schools of law in England have adapted their courses of study and their methods of instruction to meet the needs and the desires of English society. From the days of the early Edwards down to the present time there has been gradual progress in harmony with the structure and the spirit of institutions peculiarly English in their origin and in their development. Students still attend the courts and take notes, somewhat as they did in the time of the early year books; but the medieval and modern centuries that stretch between Edward the First and Edward the Seventh have gradually and almost unconsciously developed those university and professional law schools with which we have been concerned tonight. We may have every expectation that the future has still further developments in store, and that the system of legal education at these schools will be improved from reign to reign as best befits the social requirements of the home of English law and the homes of other legal systems administered by British courts in all parts of the Empire.



# A STATISTICAL COMPARISON OF COLLEGE AND HIGH SCHOOL EDUCATION AS A PREPARATION FOR LEGAL SCHOLARSHIP.

BY

JOHN H. WIGMORE AND FREDERIC B. CROSSLEY.

Of the reasons hitherto offered for making compulsory a college education prior to entering a law school, the chief are reducible to three:

1st. A college education is highly important for all *intelligent citizenship*; therefore, college attendance should be fostered indirectly, and not merely directly; therefore, a college education should be required for entrance to a law school. With this argument we are not here concerned. We leave it, with the remark that we agree with the premise, but do not see the logic of the conclusion.

2d. A college education is highly important for the knowledge and intellectual strength required by the *legal profession* in its professional administration of justice and in its legislative leadership; therefore, a college education should be required for entrance to a law school. With this argument, also, we are not here concerned. We leave it, with the comment that we believe in the premise, but we also believe that the only logical conclusion is to apply the requirement to admission to the Bar, not merely to a law school.

3d. A college education is essential to that scholarship which is needed for the *scientific study and mastery of the law*; therefore, a college education should be required before entering on study in a law school. It is with this argument alone that we are here concerned.

The logic of its conclusion can hardly be avoided. The question is as to the correctness of the premise. Hitherto its correctness has been assumed. Apparently the assumption has been treated as a fact that would be universally conceded.

Our present research attempts to investigate this supposed fact empirically. If it is a fact, the grades of scholarship awarded for school work will show it. Those grades or marks are universally made the basis of the university's diploma or certificate of legal scholarship attained. Any circumstance which by rule is correctly made a condition precedent, with a view to attaining good results, must show those results. If the results are not shown, the circumstance is not correctly made a condition precedent for that purpose.

This test of results is, of course, in the present instance, a comparative one; *i. e.*, the proposed requirement of a college education is put forward in contrast to a high school education, hence, the test of results signifies in each instance a comparison of results for the college-educated and the high-school educated, and an essential difference in favor of the former. Do the records show such difference?

This inquiry should be made on a large scale, for all the schools in this Association at least.<sup>1</sup> Nevertheless, for lack as yet of such statistics, the records of a single school may have the compensating advantage of representing a more uniform set of conditions, and therefore of eliminating other possible explanations.

The ensuing tables, as scientific data, need two kinds of preliminary explanations; first, as to the conditions affecting these particular records; secondly, as to the methods of analyzing and testing the results.

*First, the conditions affecting these records.* They are probably as uniform as could be, in respect to the nature of the work assigned, and also as varied as need be, in respect to the personal element involved. As to *work*, the number of years of work required was three; the classes taken were 10 (entering 1895-

<sup>1</sup> It was the writers' expectation to be able to arrange for a general symposium of such statistics for several schools. But the rapid spread of the college-requirement movement exceeded their estimate, and they were obliged to begin the present inquiry with their own school alone, hoping that others would then think it worth while to carry it out on the larger scale.

1905). The instructors were trained in modern methods (except a small percentage for a minor period). The methods of instruction were the same (except for a minor period in a minor part of the work). The requirements for graduation were substantially the same; *i. e.*, reckoning one lecture a week for half a year as the unit (or "term hour"), the requirements were 60 units during the first half of the period covered, and 66 units during the second half of the period. The grades of marking were the same during the entire period; *i. e.*, four grades, A, excellent; B, good; C, poor, and D, failure; C did not count for graduation, except to the amount of one-sixth of the total required, *i. e.*, 10 units, in the first half of the period; 11 units, in the second half. As to *personality*, the instructors were some 40 different persons, all told; for the greater part of the work, some 20. The students came from 26 states and foreign countries; somewhat over three-quarters came from Illinois; over one-half came from Chicago. The high school graduates came from all kinds of schools (until 1907 the four-year high school course was not essential). The college graduates came from 54 different colleges; the colleges leading in numbers were: Northwestern, 31; Chicago, 26; Yale, 18; Harvard, 14; Princeton, 7; Wisconsin, 5; Williams, 4.

The records selected were of those persons alone who had been subjected uniformly to these conditions; *i. e.*, all were omitted (1) who did not pursue the course into the third year; (2) who pursued any appreciable part of their course at another school; (3) who did not take the full work of a regular student. This left a total of 349 persons; these were distributed into classes by years as shown in Table Z. Of these, the high-school educated were 51.8 per cent; the college-educated, 48.1 per cent; almost equal proportions.

*Secondly, the methods of analyzing the results.* For comparing the high school education with the college education in the rough, all persons finishing a high school were classed as H; all persons finishing one or more years of college were classed as C. The latter were further subdivided as C<sub>2</sub>, representing one or two years of college, and C<sub>4</sub>, representing three or four years of

college; further subdivision is impracticable. The high-school educated were also subdivided by age, Ha representing 21 years and upwards, Hb representing 20 to 18 years. Both subdivisions seemed important beforehand; though the differences that they exhibited turned out to be in some respects unexpected. The average ages were: Ha, 24; Hb, 18.9; C<sub>2</sub>, 22; C<sub>4</sub>, 22.6. The totals for groups H and C at large were made by combining the totals of the subdivisions Ha and Hb, C<sub>2</sub> and C<sub>4</sub>; but since the percentage of C<sub>2</sub> students was small, the totals for C did not vary essentially from those of C<sub>4</sub>. In all cases, of course, the significance of the net results could not be foretold until the entire results were footed up and the final percentages were figured out.

In figuring, the school's official records were first transcribed to cards, one for each student. From these cards, the totals for each group of persons, each year of the course, and each grade of mark, were then transcribed on other cards. From these totals the grand totals and the percentages were then transcribed on other cards. After the clerical transcription four responsible persons shared in figuring the totals and the percentages; the final stages were verified by two persons independently; some of them were verified a third time.

Four varieties of test were employed. The first test (Tables X 1-7) compared the groups as to the total *quantities of good marks* (A B) and of poor marks (C D) obtained by that group *in mass*. The second test (Table Y) compared the groups as to the total *number of individuals exceeding a fixed high average* of good marks. The third test (Tables Z 1, 2) compared the groups as to the number of *individuals reaching the highest 10 places competitively* within each contemporary class. The fourth test (Tables Q 1, 2) compared the groups as to the total *number of individuals when ranked by the percentage of perfection attained by each* in his total work, the individuals being then allotted into a decimal series according to their percentages.

How do these four tests vary, in significance of intellectual accomplishment? The first averages the mass of *all good work* done by the group. The second eliminates the dead weight, if any, which might be attached to a group by extreme cases of

individual failure due to personal and incurable peculiarities, and exhibits the possibilities of each group to develop individuals of *high average* native ability. The third exhibits the possibilities of each group to develop the *highest scholarship*, and secures uniformity of conditions by confining the test to the individuals competing with each other in the same school class at the same time. The fourth group (which was not thought of until the others had been completed) subsumes parts of all three tests; it exhibits the *numerical distribution, in each group*, of individuals doing all qualities of work, thus revealing the *median value* for each group, that is, the percentage-quality of work done by the middle person in the group. The four tests, therefore, taken together, exhibit different aspects of the results in scholarship. We do not here attempt to say which of these tests has the most value for any purpose; we offer them rather as means for checking, reciprocally, the other tests, and as possibly turning out to have some relative superiority.

### FIRST TEST.

#### TABLES X 1-7.

The first test, that of mass credits for each group, submits naturally to three varieties, the first two quantitative, the third qualitative. The first method is to take the *average number of total credits* obtained *per individual*. The next method is to take the actual percentage of the total credits of that group in each grade to the total *credits of all groups* in each grade, and compare it with the percentage to which the numerical size of the group entitled it (standard percentage), and thus find the *variance above or below that standard percentage*. The third method is to take the percentage of total credits of each grade obtained by the group to the total credits of *all grades* obtained *by that group*, thus learning the *quality* of attainment achieved by *each group within itself*. This last test is in some respects perhaps more fair; for example, if one student obtains 66 A marks and 10 B marks, and another obtains 65 A marks and no B marks, the former has absolutely the higher *quantity* of A marks; but

the former has only 88 per cent of A *quality* in total attainment, while the latter has 100 per cent of A quality in total attainment. Opinions differ as to the relative propriety of these two standards, in awarding college prizes in general; but in this place we merely point out that the qualitative form of the test is distinct from the quantitative, and may show different results, and, therefore, must here be presented alongside of the other.

These tables X, 1-7, reveal the following results (space permitting summary notes only):

1. *Good Marks for the Entire Course* (Table X 3).

(1) The quantity-test, by *average* totals per individual, runs (line 20): Ha, 54.3; C, 62.5; a difference of 8.2 in favor of C.

(2) The quantity-test, by *variance from the standard percentage*, runs (line 23): H, — % 3.8; C, + % 2.9.

(3) The quality-test, by *percentage* of good attainments *within each group*, runs (line 24): H, % 76; C, % 88. In other words, the H group did 76% well, in all it tried for; the C group did 88% well, in all it tried for.

No one of these tests shows a radical difference between the groups.

2. *Successive Years*. Comparing the years successively, there are no notable differences as between H and C; their relative status remains substantially the same. The only significant thing is that in the A marks (Table X 1) the *percentage* obtained in that grade increased in marked manner from year to year in both groups;<sup>1</sup> in other words, the powers of the ablest men showed gradual increment under legal training.

3. *Ha Group*. The difference between Ha (21 years and upward) and Hb students, the latter fresh from their books, is

<sup>1</sup> The decrease, in absolute numbers, in third-year marks is fully explainable by two local conditions during the first half of the period: (1) the Bar examination came in early June; (2) the rules of the school did not prevent numbers of students from taking extra work in the second year and thus obtaining time for office-work in the third year. Both these causes disappeared during the second half of the period; but they affect the totals in the tables.

TABLE X 1.—Total A credits, in mass.

	H <sub>A</sub> [98 persons = % 26.6]	H <sub>B</sub> [88 persons = % 25.2]	H <sub>A, B</sub> [181 persons = % 51.8]	C <sub>2</sub> [28 persons = % 7.4]	C <sub>4</sub> [142 persons = % 40.7]	C <sub>2, 4</sub> [168 persons = % 48.1]	H <sub>C</sub> [349 persons]
1	Total credits for group.....						
2	Average of individual credits.....						
3	Quantity test.	Percentage of total A { Standard, for the group					
4		credits in { Actual, for the group...					
5		all groups. { Variance from standard					
6	Quality test. { Percentage of total A B C D in each group (from Table X 7)....						
7	Total credits for group.....						
8	Average of individual credits.....						
9	Quantity test.	Percentage of total A { Standard, for the group					
10		credits in { Actual, for the group...					
11		all groups. { Variance from standard					
12	Quality test. { Percentage of total A B C D in each group (from Table X 7).....						
13	Total credits for group.....						
14	Average of individual credits.....						
15	Quantity test.	Percentage of total A { Standard, for the group					
16		credits in { Actual, for the group...					
17		all groups. { Variance from standard					
18	Quality test. { Percentage of total A B C D in each group (from Table X 7).....						
19	Total credits for group.....						
20	Average of individual credits.....						
21	Quantity test.	Percentage of total A { Standard, for the group					
22		credits in { Actual, for the group...					
23		all groups. { Variance from standard					
24	Quality test. { Percentage of total A B C D in each group (from Table X 7).....						

TABLE X 2.—Total B credits, in mass.

	H <sub>A</sub> [88 persons = % 26.6]	H <sub>B</sub> [88 persons = % 25.2]	H <sub>A, B</sub> [181 persons = % 51.8]	C <sub>A</sub> [28 persons = % 7.4]	C <sub>B</sub> [142 persons = % 40.7]	C <sub>A, B</sub> [168 persons = % 48.1]	HC [349 persons]
1	Total credits for group.....						
2	Average of individual credits.....						
3	Quantity test.	1259	1112	2371	1661	2018	4389
4		13.5	12.6	13	11.7	12.7	12.6
5		% 26.6	% 25.2	% 51.8	% 40.7	% 48.1	
6	Quality test.	% 28	% 25	% 54	% 37	% 46	
		+ % 1.4	- % .2	+ % 2.2	- % 8.7	- % 2.1	
		% 62.9	% 60.4	% 61.6	% 55.9	% 57	
7	Total credits for group....						
8	Average of individual credits.....						
9	Quantity test.	1643	1571	3214	2195	2642	5856
10		17.5	18	17.7	15.4	16.2	17
11		% 26.6	% 25.2	% 51.8	% 40.7	% 48.1	
12	Quality test.	% 28	% 26	% 54 +	% 37	% 45	
		+ % 1.4	+ % .8	+ % 2.3	- % 8.7	- % 3.1	
		% 62.1	% 62.3	% 62.2	% 56.2	% 56.7	
13	Total credits for group.....						
14	Average of individual credits.....						
15	Quantity test.	978	973	1951	1386	1709	3860
16		10.5	11	10.8	9.7	11	10.5
17		% 26.6	% 25.2	% 51.8	% 40.7	% 48.1	
18	Quality test.	% 26	% 26	% 53	% 37 +	% 46	
		- % .6	+ % .8	+ % 1.2	- % 3.5	- % 2.1	
		% 49.3	% 48.7	% 49	% 49.1	% 50.4	
19	Total credits for group.....						
20	Average of individual credits. ....						
21	Quantity test.	8880	3656	7536	5242	6869	13905
22		41.2	42	41.6	36.8	40.1	40
23		% 26.6	% 25.2	% 51.8	% 40.7	% 48.1	
24	Quality test.	% 28	% 26	% 54	% 37	% 45	
		+ % 1.4	+ % .8	+ % 2.2	- % 3.7	- % 3.1	
		% 58.5	% 57.5	% 58	% 54	% 56	



TABLE X 3.—Total A B credits, in mass.

	H <sub>A</sub> [98 persons = % 28.6]	H <sub>B</sub> [88 persons = % 25.2]	H <sub>A, B</sub> [181 persons = % 51.8]	C <sub>2</sub> [28 persons = % 7.4]	C <sub>4</sub> [142 persons = % 40.7]	C <sub>2, 4</sub> [168 persons = % 48.1]	HC [349 persons]
1	Total credits for group.....						
2	Average of individual credits.....						
3	Quantity test. of total AB credits in all groups.	1484	1432	2896	480	3101	5997
4		15.7	16.2	15.9	18.4	18.4	17
5		% 28.6	% 25.2	% 51.8	% 7.4	% 48.1	
6	Quality test. Percentage of total A B C D in each group (from Table X 7).....	% 24	% 23	% 48	% 8	% 51 +	
		— % 2.6	— % 2.2	— % 3.8	+ % .6	+ % 8	
		% 73.1	% 77.8	% 75	% 85	% 88	% 81
7	Total credits for group.....						
8	Average of individual credits.....						
9	Quantity test. of total AB credits in all groups.	2009	2024	4033	659	4210	8243
10		21.5	23	22.2	25.4	25.1	24
11		% 26.6	% 25.2	% 51.8	% 7.4	% 48.1	
12	Quality test. Percentage of total A B C D in each group (from Table X 7).....	% 24	% 24	% 48 +	% 8	% 51	
		— % 2.6	— % 1.2	— % 3.5	+ % .6	+ % 8	
		% 76	% 80.4	% 78	% 87.7	% 90.6	% 84
13	Total credits for group.....						
14	Average of individual credits.....						
15	Quantity test. of total AB credits in all groups.	1462	1460	2922	499	3010	5932
16		15.7	16.6	16.2	19.2	18.4	17
17		% 26.6	% 25.2	% 51.8	% 7.4	% 48.1	
18	Quality test. Percentage of total A B C D in each group (from Table X 7).....	% 24	% 24	% 49	% 8.4	% 50 +	
		— % 2.6	— % 1.2	— % 2.8	+ % 1	+ % 2	
		% 74	% 73	% 73 +	% 87.7	% 89	% 85
19	Total credits for group.....						
20	Average of individual credits. ....						
21	Quantity test. of total AB credits in all groups.	4938	4916	9854	1638	10320	20174
22		52.6	56	54.3	64.2	62.5	60
23		% 26.6	% 25.2	% 51.8	% 7.4	% 48.1	
24	Quality test. Percentage of total A B C D in each group (from Table X 7).....	% 24	% 24	% 48	% 8.1	% 51	
		— % 2.6	— % 1.2	— % 3.8	+ % .7	+ % 2.9	
		% 76	% 77.4	% 76	% 87	% 88	% 82 +

TABLE X 4.—Total C credits, in mass.

	H <sub>A</sub> [83 persons = % 26.6]	H <sub>B</sub> [88 persons = % 26.2]	H <sub>A, B</sub> [181 persons = % 51.8]	C <sub>2</sub> [26 persons = % 7.4]	C <sub>4</sub> [142 persons = % 40.7]	C <sub>2, 4</sub> [168 persons = % 48.1]	H <sub>C</sub> [349 persons]
1	Total credits for group .....						
2	Average of individual credits... ..						
3	Quantity test. {	Percentage	Standard, for the group				
4		of total C	Actual, for the group...				
5		credits in	all groups. {				
6	Variance from standard						
	Quality { Percentage of total A B C D in each						
	test. { group (from Table X 7).....						
7	Total credits for group.....						
8	Average of individual credits.....						
9	Quantity test. {	Percentage	Standard, for the group				
10		of total C	Actual, for the group. .				
11		credits in	all groups. {				
	Variance from standard						
12	Quality { Percentage of total A B C D in each						
	test. { group (from Table X 7).....						
13	Total credits for group.....						
14	Average of individual credits.....						
15	Quantity test. {	Percentage	Standard, for the group				
16		of total C	Actual, for the group...				
17		credits in	all groups. {				
	Variance from standard						
18	Quality { Percentage of total A B C D in each						
	test. { group (from Table X 7).....						
19	Total credits for group.....						
20	Average of individual credits.....						
21	Quantity test. {	Percentage	Standard, for the group				
22		of total C	Actual, for the group...				
23		credits in	all groups. {				
	Variance from standard						
24	Quality { Percentage of total A B C D in each						
	test. { group (from Table X 7).....						

TABLE X 3.—Total D credits, in mass.

	H <sub>A</sub> [98 persons = % 26.6]	H <sub>B</sub> [88 persons = % 25.2]	H <sub>A, B</sub> [181 persons = % 51.8]	C <sub>2</sub> [26 persons = % 7.4]	C <sub>4</sub> [142 persons = % 40.7]	C <sub>2, 4</sub> [168 persons = % 48.1]	HC [249 persons]
1	Total credits for group.....						
2	Average of individual credits. ....						
3	Quantity test.	Percentage of total D	% 26.6	% 25.2	% 51.8	% 48.1	268
4		Actual, for the group...	% 51	% 29	% 80	% 20	.7
5		all groups. { Variance from standard	+ % 24.4	+ % 3.8	+ % 28.2	- % 28.1	
6	Quality test.	Percentage of total A B C D in each group (from Table X 7).....	% 7	% 4	% 5	% 1.5	
7	Total credits for group.....						
8	Average of individual credits.....						
9	Quantity test.	Percentage of total D	% 26.6	% 25.2	% 51.8	% 48.1	294
10		Actual, for the group...	% 50	% 30	% 80	% 19	.8
11		all groups. { Variance from standard	+ % 23.4	+ % 4.8	+ % 28.2	- % 29.1	
12	Quality test.	Percentage of total A B C D in each group (from Table X 7).....	% 6	% 3	% 4.6	% 1.2	
13	Total credits for group.....						
14	Average of individual credits.....						
15	Quantity test.	Percentage of total D	% 26.6	% 25.2	% 51.8	% 48.1	274
16		Actual, for the group...	% 44	% 42	% 87	% 12	.7
17		all groups. { Variance from standard	+ % 17.4	+ % 16.8	+ % 35.2	- % 36.1	
18	Quality test.	Percentage of total A B C D in each group (from Table X 7).....	% 6	% 6	% 6	% 1	
19	Total credits for group.....						
20	Average of individual credits.....						
21	Quantity test.	Percentage of total D	% 26.6	% 25.2	% 51.8	% 48.1	836
22		Actual, for the group...	% 48	% 33	% 82	% 17	2.1
23		all groups. { Variance from standard	+ % 21.4	+ % 7.8	+ % 30.2	- % 31.1	
24	Quality test.	Percentage of total A B C D in each group (from Table X 7).....	% 6	% 4	% 5	% 1.3	

TABLE X 6.—Total C D credits, in mass.

	H <sub>A</sub> [93 persons = % 26.6]	H <sub>B</sub> [88 persons = % 25.2]	H <sub>A, B</sub> [181 persons = % 51.8]	C <sub>2</sub> [28 persons = % 7.4]	C <sub>4</sub> [142 persons = % 40.7]	C <sub>2, 4</sub> [168 persons = % 48.1]	H <sub>C</sub> [849 persons]
1 First Year.	Total credits for group.....						
2	Quantity { Average of individual credits.....						
3	test. { Percentage of total C D { Standard, for the group						
4	credits in { Actual, for the group...						
5	all groups. { Variance from standard						
6	Quality { Percentage of total A B C D in each						
	test. { group (from Table X 7).....						
7 Second Year.	Total credits for group.....						
8	Quantity { Average of individual credits.....						
9	test. { Percentage of total C D { Standard, for the group						
10	credits in { Actual, for the group...						
11	all groups. { Variance from standard						
12	Quality { Percentage of total A B C D in each						
	test. { group (from Table X 7).....						
13 Third Year.	Total credits for group.....						
14	Quantity { Average of individual credits.....						
15	test. { Percentage of total C D { Standard, for the group						
16	credits in { Actual, for the group...						
17	all groups. { Variance from standard						
18	Quality { Percentage of total A B C D in each						
	test. { group (from Table X 7).....						
19 Course.	Total credits for group ..						
20	Quantity { Average of individual credits.....						
21	test. { Percentage of total C D { Standard, for the group						
22	credits in { Actual, for the group...						
23	all groups. { Variance from standard						
24	Quality { Percentage of total A B C D in each						
	test. { group (from Table X 7).....						

TABLE X 7.—Total A B C D credits, in mass.

	H <sub>A</sub> [98 persons]	H <sub>B</sub> [88 persons]	H <sub>A, B</sub> [181 persons]	C <sub>2</sub> [26 persons]	C <sub>4</sub> [142 persons]	C <sub>2, 4</sub> [168 persons]	HC [849 persons]
1	2002 21.5 % 26.6 % 27	1840 21 % 25.2 % 24	3842 21.1 % 51.8 % 52	565 21.7 % 7.4 % 7.6	2970 20.8 % 40.7 % 40	3536 21.2 % 48.1 % 47	7378 21
2							
3							
4							
5	2643 28.3 % 26.6 % 27	2518 28.7 % 25.2 % 25	5161 28.5 % 51.8 % 52 +	751 29 % 7.4 % 7.6	3904 27.4 % 40.7 % 39 +	4655 28.1 % 48.1 % 47	9816 28
6							
7							
8							
9	1983 21.2 % 26.6 % 26	1996 22.6 % 25.2 % 27	3979 22 % 51.8 % 54	569 22.7 % 7.4 % 7.7	2820 19.8 % 40.7 % 38	3389 20.7 % 48.1 % 46	7368 21
10							
11							
12							
13	6631 70.7 % 26.6 % 27	6354 72.3 % 25.2 % 26	12985 71.6 % 51.8 % 52 +	1885 73.6 % 7.4 % 7.6	9694 67.9 % 40.7 % 39	11579 70.7 % 48.1 % 47	24564 70.4
14							
15							
16							

marked. The Hb do perceptibly better than the Ha by all three tests in AB marks (Table X 3). But in the A marks (Table X 1) the interesting fact appears that by the time of the third year the quality-percentage (line 18) becomes identical, and the individual average (line 14) draws near to equality; in other words, two years of book-study have put the older men on an equality with the younger ones. On the whole, the inference is that the greater age and worldly experience of Ha do not contribute anything to developing their powers of legal scholarship (though on entering the profession they may still be better legal advisers). This result, we suppose, will surprise some *a priori* beliefs.

4. *C<sub>2</sub> Group.* The C<sub>2</sub> group (one or two years of college) does slightly better than the C<sub>4</sub> group in individual A B averages throughout (Table X 3). But it does slightly worse in the quality-percentage (line 24). The odd thing (line 20) is that the course average for Hb, C<sub>4</sub> and C<sub>2</sub> stands thus: 56, 60.8, 64.2; from this significant series of marks, taken by itself, it would seem that four-year college men did only as much better than high-school young men as they did worse than college two-year men. And yet, if the four years of college is to be intrinsically so helpful for legal scholarship, why does it not bring better results than one or two years of college? It is true that in the quality-test (lines 6, 12, 18, 24), the differences resume a relation more like what we should expect. Moreover the A marks (Table X 1) seem to show a partial explanation, for there a noticeable difference appears in favor of C<sub>4</sub>, by all three tests; in other words, three or four years of college develop in legal scholarship the A power (so far as a man has it) appreciably more than one or two years; but for ordinarily good or high powers they do no more.

On the whole, Table X seems to show that for developing good powers, there is not a radical difference (12%) between college and high school; but that for developing the highest powers there is a nearly double effect (18% as against 34%, in line 24, Table X 1).

## SECOND TEST.

TABLE Y.

The second test consists in examining the high average records obtained by individual students in each group. The number of such individuals may be compared:

(a) With the total number of *persons in that group*, thus giving the percentage of absolute high attainment within the several groups; and

(b) With the total number of persons *in all groups attaining such high records*, thus giving a percentage which, when contrasted with the percentage representing the size of the group, shows the relative high attainments of the group.

In fixing a standard for this high record, A and B credits were consolidated. The number 20 was taken for the first year, 40 for two years, and 60 for three years. The number now required for graduation is 66, or 22 in each year; the number required in the first five years was 60, or 20 in each year. Thus the standard taken represented practically those men who had a record of only good-to-excellent work in each year and in the whole course. The inquiry is: How did the groups compare, with regard to the proportion, in each of them, of individuals who made such a record?

As to the *total of the three years* (lines 12-14), the results are:

(a) The H's sent 48 per cent of their number to that mark, while the C's sent 51 per cent.

(b) Relative to the size of each group, the H's fell 1 per cent short of their due share; the C's went .4 per cent above their share.

The two forms of test thus do not vary essentially in results.

But on analyzing the *several years* and the *components of H and C* (lines 3-14), this difference lessens and some interesting features appear.

(1) *Successive Years*. In the first place, the difference in favor of Group C is found to be most marked in the first year, and to disappear almost entirely by the third year. The figures for Test (a) run: H, 30, 54, 48; C, 49, 67, 51. For Test (b),

TABLE Y.—Individuals obtaining high averages of credits.

1	Group .....	H <sub>A</sub>	H <sub>B</sub>	H <sub>A,B</sub>	C <sub>2</sub>	C <sub>4</sub>	C <sub>2,4</sub>	HC
2	Total persons in group.....	98	88	181	26	142	168	349
3								
4	One Year's Record.							
5	Persons having + 20 AB credits.							
6	Number of high places.. ..	22	32	54	11	72	83	137
7	% of total group .....	23	36 +	30	42	50	49	39
8	% coefficient for group size.....	26.6	25.2	51.8	7.4	40.7	48.1	100
9	{ Group % of total high places .....	16	23	39	8	53	60.6	
10								
11								
12	Two Years' Record.							
13	Persons having + 40 AB credits.							
14	Number of high places.....	48	50	98	19	94	113	211
15	% of total group.....	52	57	54	73	66	67	60
16	% coefficient for group size.....	26.7	25.2	51.8	7.4	40.7	48.1	100
17	{ Group % of total high places .....	22.7	23.7	46.4	9	44.5	53.5	
18								
19								
20								
21								
22	Three Years' Record.							
23	Persons having + 60 AB credits.							
24	Number of high places.....	40	48	88	14	71	85	178
25	% of total group .....	43	55 +	48.6	54	60	50.6	50
26	% coefficient for group size. ....	26.6	25.2	51.8	7.4	40.7	48.1	100
27	{ Group % of total high places.....	23	27.7	50.8	8	41	48.5	



they run: H (51.8), 39, 46.4, 50.8; C (48.1), 60.6, 53.5, 48.5. Both of these tests tend to show that the discipline of the first year brings the two large groups gradually towards an equality.

(2) *Ha Group*. In the next place, an analysis of Ha and Hb shows that the former (or older) group is mostly responsible for the difference between H and C. Thus, comparing Ha and C<sub>4</sub> by themselves, we find, for Test (a): Ha, 36, 57, 55; C<sub>4</sub>, 50, 66, 50; exhibiting not only a greater relative improvement for Ha in the second year, but actually a *superiority over C<sub>4</sub>* by the third year. For Test (b) we find: Ha (25.2), 23, 23.7, 27.7; C<sub>4</sub> (40.7), 53, 44.5, 41; in other words, Ha begins with only a slight deficiency and ends with an excess, while C<sub>4</sub> begins with a substantial excess and ends with a slight excess.

(3) *C<sub>2</sub> Group*. But the curious result is that which is disclosed by an analysis of C<sub>2</sub> and C<sub>4</sub>. By Test (a) they stand: C<sub>2</sub>, 42, 73, 54; C<sub>4</sub>, 50, 66, 50; in other words, men with one or two college years made records in the second and third years substantially better than men with three or four college years. So, too, with Test (b), the same appears: C<sub>2</sub> (7.4), 8, 9, 8; C<sub>4</sub> (40.7), 53, 44.5, 41. This result is puzzling. The small number of C<sub>2</sub> men may give part of the explanation, but will not alone solve the anomaly, especially as the results of Table X show a similar difference.

On the whole, if we can regard Test (a) as the more significant, and if we can afford to ignore the first year as transitional, it would seem that the differences in the second- and third-year records (H, 54, 48+; C, 67, 51) do not by any means entitle us to treat the H group as relatively incompetent to attain good-to-excellent records, or relatively unlikely to develop their share of such individuals.

### THIRD TEST.

#### TABLES Z 1, 2.

This test consisted in taking the number of A marks attained by the students in each class and group, arranging the first 10 in order, and thus ascertaining the number of such places at-

tained by men of the respective groups. Table Z 1 shows the A marks of the first 10 of each class, by years. Table Z 2 shows the number of such places attained in each class by each group, compared with the number of such places to which the size of the group would naturally have entitled it.

The results for the 10-year total are shown in Tables Z 1, 2.

1. Out of 10 first places, 2 were taken by Hb men, the others by C men. Out of 10 second places, the same occurred. Probably nothing can be generalized here.

2. Out of the total 100 highest places, the allotment to each group (taking the size of the group into reckoning) was: H, 17.6%; C, 40.5% (Table Z 2, lines 23, 26); and herein, Ha was 14%; Hb was 21.6%; C<sub>2</sub> was 29%; C<sub>4</sub> was 42.6%. In other words, the percentage of place-winners in the C<sub>4</sub> group was twice as high as in the Hb group, and three times as high as in the Ha group.

Two inferences are here available:

(1) Four years of college develop the powers for highest legal scholarship twice as well as high school, and three times as well when the high-school training has become rusty.

(2) On the other hand, the high-school group do get into the first ten places in respectable numbers. Moreover, the college group does not get there in the majority of its members. This bears closely on the question of requiring college-years for entrance. Are we to require college-years on the ground of their utility for cultivating the highest powers, if, in fact, 60% will not show that result? Or (put in another way) shall we try to force the 82% of high-school men to go first to college, if, in fact, 60% out of that 82% will, after all, not develop those highest powers? This question becomes the more serious when the precise proposal now before our law schools is taken, namely, to require only one or two years of college. For the C<sub>2</sub> percent-

<sup>1</sup> It may be added that in the next class, entering 1906 (just graduated), but not covered by this table, the highest man was again Hb; and that in the first-year class just completed, three of the six having a clear A record were H men.

TABLE Z 1.—Individual highest places attained in competition within each class.

Class.		Order of Places in Highest Ten.									
		I	II	III	IV	V	VI	VII	VIII	IX	X
1	1905	C4	C4	C4	Hb	C4	C2	C4	Ha	C4	Ha Hb
2	Number of A credits	74	57	55	55	47	45	43	23	22	22
3	Group-member	Hb	C4	C4	C4	C4	C4	C4	Ha	Hb	Ha Hb
4	Number of A credits	72	64	57	56	51	50	48	39	37	35
5	Group-member	C4	C4	C4	C4	C2	C4	Hb	Hb	Hb	C2
6	Number of A credits	69	64	63	61	58	40	35	34	29	29
7	Group-member	C4	C4	C4	Ha	C4	Hb	Hb	C2	C4	C4
8	Number of A credits	69	64	61	56	56	51	41	39	31	30
9	Group-member	C4	Ha	Hb	C4	C4	Hb	C4	C4	Hb	C4
10	Number of A credits	74	49	48	42	37	33	31	30	25	23
11	Group-member	C2	C2	C4	C4	Ha	C4	Hb	Ha	C4	C4
12	Number of A credits	62	57	57	50	43	40	36	25	22	16
13	Group-member	C4	C4	C4	C4	C4	C4	Hb	C4	C4	C2 C4
14	Number of A credits	65	49	47	46	36	33	29	29	28	19
15	Group-member	C4	Hb	C4	C4	C4	Ha	Ha	C4	C4	C4
16	Number of A credits	55	45	43	42	36	25	19	19	19	19
17	Group-member	C4	C4	C4	C4	C4	Ha	C4	Ha	C2	Ha
18	Number of A credits	51	47	44	40	30	28	26	23	21	21
19	Group-member	Hb	C4	C4	C4	C4	Hb	Ha	Hb	Hb	C4
20	Number of A credits	64	61	40	37	34	29	26	24	23	22

TABLE Z 2.  
Individual highest places attained in competition within each class.

		Group	Class.										All Classes
			1905	1904	1903	1902	1901	1900	1899	1898	1897	1896	
1	(M) Total number of students.	Ha	14	17	8	10	5	7	8	6	9	9	93
2		Hb	11	8	12	10	5	7	8	4	7	16	88
3		Ha, b	25	25	20	20	10	14	16	10	16	25	181
4		C2	5	3	4	1	2	4	1	1	3	2	26
5		C4	11	16	10	12	14	12	19	19	14	15	142
6		C2, 4	16	19	14	13	16	16	20	20	17	17	168
7		HC	41	44	34	33	26	30	36	30	33	42	349
8	(N) Total number of places in first ten due to group in proportion to size.	Ha	3	4	2	3	2	2+	2-	2.5	3	2	27
9		Hb	3	2	4	3	2	2+	2-	1.5	2	4	25
10		Ha, b	6	6	6	6	4	4+	4-	4	5	6	52
11		C2	1	.7	1	0	1	1+	0	0	1	0	7
12		C4	3	3	3	4	5	4	5+	6	4	4	41
13		C2, 4	4	4	4	4	6	5+	6	6	5	4	48
14		HC	10	10	10	10	10	10	10	10	10	10	100
15	(O) Total number of such places actually attained.	Ha	1.5	1.5	0	1	1	2	0	2	3	1	13
16		Hb	1.5	2.5	3	2	3	1	1	1	0	4	19
17		Ha, b	3	4	3	3	4	3	1	3	3	5	32
18		C2	1	0	2	1	0	2	.5	0	1	0	7.5
19		C4	6	6	5	6	6	5	8.5	7	6	5	60.5
20		C2, 4	7	6	7	7	6	7	9	7	7	5	68
21	(P) Percentage of place-winners in total of each group.	Ha	10	9	0	10	20	30	0	33	33	11	14
22		Hb	27	30	25	20	60	14	17	25	0	25	21.6
23		Ha, b	12	16	15	15	40	20	8	30	19	20	17.6
24		C2	20	0	50	100	0	50	50	0	33	0	29
25		C4	27	38	50	50	34	42	47	37	34	33	42.6
26		C2, 4	44	31	50	54	37.5	44	45	35	41	30	40.5

age in this table is only 29 (line 24). So that the question at the present stage is: Shall we try to force 82% of high-school men to go first to college for one or two years to develop highest powers, if, after all, 71% in the 82% will not develop such powers? Obviously, in this paper we venture merely to put the question, because the number of C<sub>2</sub> men here under test was too small for safely making broad generalizations. But we *do* put the question; because if these figures are verified on a larger scale, it seriously affects the utility of the proposed measure—at least so far as the proposal rests on some assumed benefits to legal scholarship.

#### FOURTH TEST.

##### TABLES Q 1, 2.

This test consists in finding for each student a single figure representing his net percentage-grade of attainment, and then in arranging them according to decimal sections; thus, upon ascertaining how many of each group (H and C) fall into the several decimal sections, respectively, the *median value* appears. By transmuting these numbers of each section into an identical percentage-scale, and by plotting the numbers in a curve, the distribution can be appreciated graphically with more ease.

This method, it should be explained, has been publicly advocated as the most scientific by Dr. Winfield Scott Hall, Associate Dean of the Medical Faculty of Northwestern University, and Professor of physiology in that Faculty. In three articles<sup>1</sup> published by him he has expounded the scientific basis and the utility of this test. Briefly stated, his articles remind us that the anthropological researches of Quetelet, Galton, and others, have shown that for relatively small numbers of observed instances in biological data the median value is more trustworthy than the average value. He exhibits researches of his own in confirmation.

<sup>1</sup> "Changes in the Proportions of the Human Body," Journ. Anthropol. Inst., London, 1895; "Evaluation of Anthropometric Data," Journ. Amer. Medical Assoc., Chicago, Dec. 21, 1901; "Guide to the Equitable Rating of Students," School Science, 1906.

He notes that the psychologists also use this median value.<sup>1</sup> He further points out that the intellectual process of studious attainment is a biological process which must conform to biological laws; and that, therefore, the results of examinations have a normal line of distribution. Any variance from this normal line of distribution indicates some peculiarity in either the instructor who marks or in the class which is examined. He further believes he has demonstrated that the normal curve of distribution corresponds to the curve of a series of binomial coefficients, raised in the usual way on the binomial theorem. Without dwelling on this special discovery of his (extraordinary and significant, no doubt), we note here merely that this table purports to use the test of median value, as employed by anthropologists, *i. e.*, the value or grade of attainment possessed by the middle person in the group. The *average* value would be the total values divided by the number of individuals; the *median* value is that of the middle person in the total series of persons, who is thus the type of the group.

To ascertain this value, the following process was used: Each student's marks of each grade were reduced to a single net percentage by multiplication and division; *i. e.*, his units of A marks were multiplied by 95, B by 75, C by 50, and D by 30; this total was then divided by the total units of all his marks; for example, for a student having the record A 20, B 40, C 10, D 2, the 20 was multiplied by 95, and so on, the sum divided by 72 (his total marks), giving 76 as his percentage figure. On a decimal scale the total number of individuals in each decimal section was placed (Table Q 1). But since the total numbers of persons in the groups H and C were different, a just comparison required these section totals to be turned into percentages of the group totals; this result is shown in Table Q 2. Then these section totals were plotted on a curve graphically (Table Q 3).<sup>2</sup>

<sup>1</sup> Professor Palmer uses it in his recent volume, "The Teacher," p. 185 (1909).

<sup>2</sup> Since the lowest possible per cent would be 30, and the highest possible per cent would be 95, the ends of the curve are not in exact relation. But with the A, B, C, D system of marking, no closer approach to percentages is possible.

The Table Q shows four varieties of results: (1) The median value, (2) the attainments of the bulk of the group, (3) the highest attainments, (4) the lowest attainments.

(1) The median value, *i. e.*, the percentage-quality of work done by the middle man in each group is revealed as follows: Ha, 73; Hb, 73.7; H, 73.3; C<sub>2</sub>, 76.4; C<sub>4</sub>, 78.5; C, 78.2; H C,

TABLE Q 1.—Median value (actual numbers).

No. of persons in each group obtaining		% 80 +	% 40 +	% 50 +	% 60 +	% 70 +	% 80 +	% 90 +	Total persons	Median value
H	Ha	1	3	4	25	46	13	1	93	% 73
	Hb	0	3	4	25	33	21	2	88	% 73.7
	Ha, b	1	6	8	50	79	34	3	181	% 73.3
C	C2	0	0	0	4	14	7	1	26	% 76.4
	C4	0	0	0	18	62	45	17	142	% 78.5
	C2, 4	0	0	0	22	76	52	18	168	% 78.2
HC		1	6	8	72	155	86	21	349	% 75.8

TABLE Q 2.—Median value (percentage).

No. per centum in each group obtaining		% 80 +	% 40 +	% 50 +	% 60 +	% 70 +	% 80 +	% 90 +	Total
H	Ha	1	3	4	27	49	14	1	100
	Hb	0	3	4.5	30	37.5	24	2	100
	Ha, b	.5	3	4	28	43	19	2	100
C	C2	0	0	0	15	54	27	4	100
	C4	0	0	0	12	44	32	12	100
	C2, 4	0	0	0	13	45	31	10	100
HC		.3	1.5	2	20	42	25	6	100

75.8. Thus, between H and C, is found a difference of only 4.9 per cent.

(2) The attainments of the bulk of each group fall between 60 and 90 per cent; *i. e.*, 90 per cent of the H group and 90 per cent of the C group fall within grades of passable and high quality.

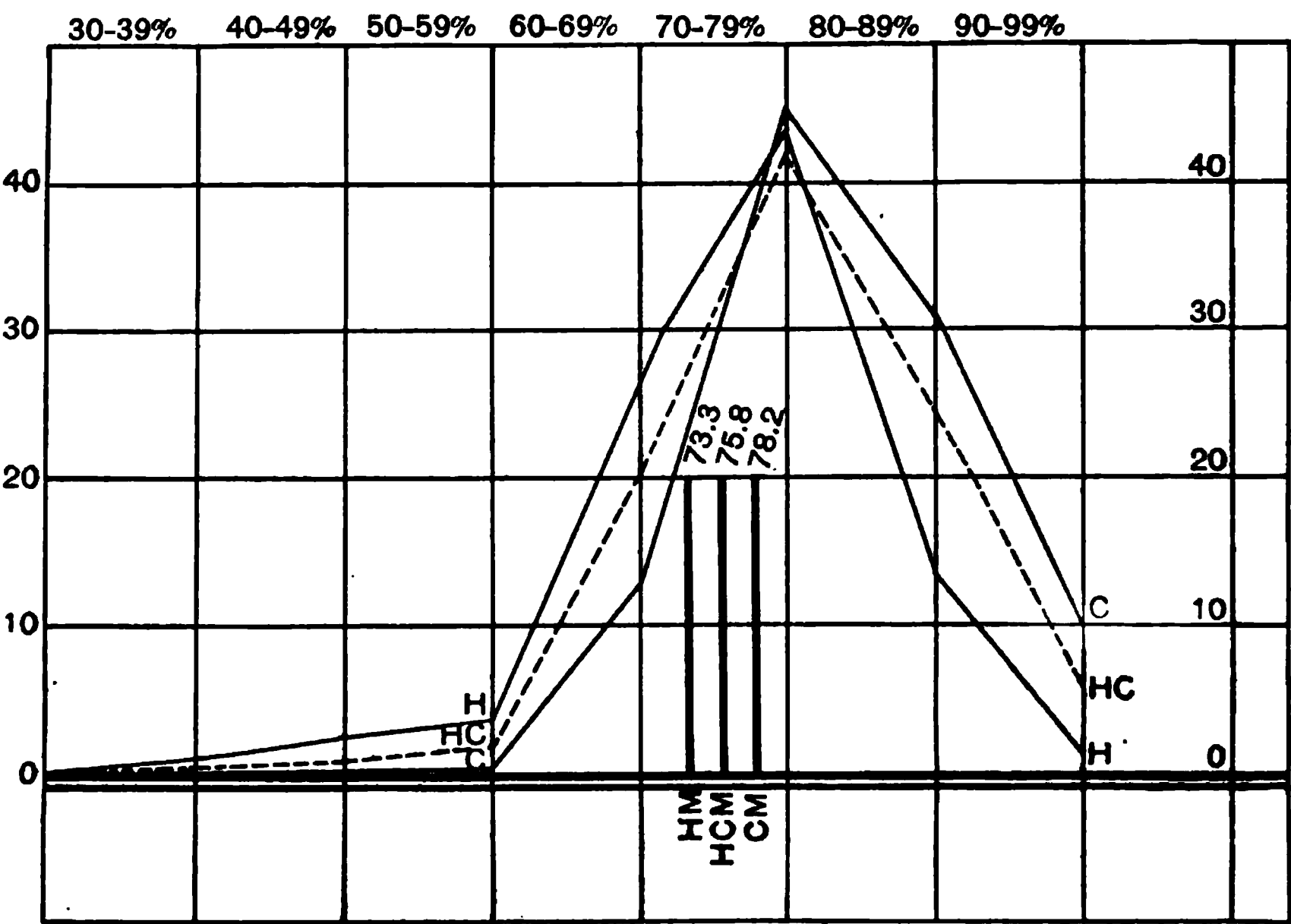
(3) The lowest attainments fall exclusively in the H group; *i. e.*, 7.5 per cent fall below the 60 per cent grade.

(4) The highest attainments fall almost entirely within the C group; *i. e.*, 2 per cent of the H group and 10 per cent of the C group come above the 90 per cent grade.

What inferences may here be drawn ? Looking at the youths at their point of entrance to the school, this table would seem to justify prophesying to them:

(a) "If you are of extraordinary capacity for legal science, *i. e.*, belong to 6 persons in 100, there is only one chance in six

TABLE Q 3.—Median value, plotted.



that you will develop that capacity to its best unless you first go to college; and two years of college will be only one-quarter as good for you as four years."

(b) "If you are of little or no capacity for legal science, *i. e.*, belong to 4 persons in 100, there is every chance that you will at least develop some modicum of capacity if you go to college."

(c) "But if you belong to the vast majority, *i. e.*, to 90 persons in 100, there is no certainty that going to college will develop materially *your* capacity for legal science; there are merely 76



against 56 chances that you will develop high average powers if you have them, instead of fair average powers."

#### CONCLUSION.

Looking over these four tables, we return to consider the original argument which was set for empiric investigation, viz.: That a college education is essential to that scholarship which is needed for the scientific study and mastery of the law, and, therefore, should be required for entrance. The inferences which seem to be justified may be thus stated:

1. For developing the very highest powers, a college education is essential. Whether two years of it is as efficient, relatively or absolutely, as four years of it, does not fully appear.

2. For developing the very lowest powers, a college education is essential.

3. For developing ordinary and high powers, a college education has, in some aspects, the chances in its favor; but, on the whole, and for the vast majority of men, it appears not to be essentially different in its results in legal scholarship.

But,

4. These inferences are based on the observation of a single school and a limited number of students, hence are provisional only, in any aspect; and,

5. In view of their significance if found to be universally true, they should be tested on as large a scale as possible before any policy is adopted for which their correctness or incorrectness has any important bearing.

## EDUCATION PREPARATORY TO A UNIVERSITY LAW SCHOOL COURSE.

BY

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The state has seen fit to prescribe certain conditions precedent to the practice of some professions, especially the professions of medicine and law. In each case it may be supposed that these requirements are laid down primarily for the protection of society, as the individual otherwise would find it difficult to ensure in a practitioner the knowledge and skill requisite for the proper care of person or of property. It hardly need be said that the legal conditions in question are a minimum. The ablest physicians and attorneys far transcend these, not a few who can fulfill them are really ignorant and incompetent. The most that can be said perhaps is that on the whole many who would be glaringly unfit are prevented from practice, to the material benefit of society. In other words, the benefit is primarily negative, and only to a moderate extent positive. By virtue of possessing a state certificate of qualification to practise one may be presumed to be to a certain extent likely to know his profession. But the more important consideration is that one who has no such certificate may practically invariably be presumed to be unqualified.

With such state standard necessary to attain in order to secure the privilege of legal practice, it is obvious that in many ways provision will be made for providing young men with the requisite knowledge. Private enterprise, wholly or largely commercial in character, has established many schools of this kind. Clearly, such schools will aim at the largest practicable attendance, and hence will demand from their students a minimum of preliminary education. The main object is to fit the largest

possible number of candidates to pass the state examination, and accordingly any amount of intelligence, no matter how small, compatible with that end in view, will suffice. Moreover, such schools need not look beyond the examination alone. Their success will on the whole be determined by the considerable number of successful candidates whom they prepare. The later record of these candidates, and especially the relation of their professional worth to the welfare of the community, beyond the narrow limits of their practice, may well be negligible quantities.

But when established and reputable universities, whether on private or public foundation, set before themselves the task of training students for the legal profession, quite different and much broader considerations should be taken into account. There is here not only the question of providing a legal education adequate to meet the state test of fitness to enter on the profession, but two further considerations of moment are also to be considered: What is the likelihood that the candidate may look forward to an honorable career in the higher walks of his learned and worthy profession? What is the likelihood that he will be of value to society as a man and as a citizen, beyond mere success as a legal practitioner?

To meet these ends the whole education of the student must be taken into account. Mere technical legal instruction is not enough. That may suffice for the school which fits for the bar examination only. It should not suffice for the university. The question then is merely what sort of schooling and how much are to be expected as a condition precedent to specific legal study.

Thus far there are on the whole two views usually held by university law teachers. One is that a high school course will answer. The other is that a college course, either as a whole or in the main, should also be required.

Evidently the first of these alternatives makes it possible for a much greater number of students to take a university law course. The second limits the candidates to those who have the time and the means for at least a considerable college training. Are the results of the second plan so much better as to warrant the limitation?

It is held by some that the sole test lies in the manner in which the different classes of students handle the legal courses, and that if on the whole the high school graduates show equal, or substantially equal ability with the college trained men, the matter is settled. By the courtesy of Dean Wigmore I have been shown in advance the very interesting study of this subject in the law classes of the Northwestern University. It would seem to me that the induction is hardly sufficient for a safe conclusion. If a similar study could be made throughout a considerable number of law schools, more might be learned. Even then there would remain the question how the same high school students would have done had they had the benefit of a college course. Further, it would seem that there would be safer results if the comparison should be made between equal numbers of students of the two groups in question previously selected because ascertained to be, man for man, of practically equal natural ability. This it is at once admitted would not be an easy process. Perhaps it is not impossible.

I should be better satisfied, however, if the study should go still further, and should follow the students from the school into their profession. Which group affords the greater number of really good lawyers? Which group supplies the greater number of sound jurists? Which group provides the greater number of men largely useful to society? It seems to me that all these questions are within the scope of university consideration, and that by their answers the university should be guided.

In the absence of so wide and thorough an investigation, we may perhaps have to be influenced by our usual experience. On the whole we are inclined to think, I suppose, that, other things being equal, the young man who is older and riper and better trained, and who knows more about many things, will on the whole assimilate more of value from his law study, and will be likely to fill a larger place in social usefulness. For this reason the university would do well to look rather to quality than to quantity, to do as it does in medicine and chemistry and economics, making specialists of the small number highly trained rather than of the large number with less training.

Further, speaking now as a layman, it would seem very doubtful whether there is a crying need in society for an annual army of new legal practitioners. Enough crude ones will be poured into the profession in the course of the usual Bar examinations. Cannot the universities well afford to confine their attention to the few; not the few who are chosen by wealth or by birth, but the few who are self-determined by their superior educational fitness? If in this way there be given us in the long run a dozen great jurists, a score of great lawyers, the whole expenditure of time and effort and money will be warranted. Intellectual values are not numerical. No number of ordinary lawyers can equal one John Marshall, or one Joseph Choate, or one Elihu Root. Napoleon alone was equal to many battalions. Should we not look to our universities to educate leaders? The university law schools, it seems to me, should be the West Point of the legal profession, not the camp of instruction. Of course native ability will make its way, in spite of lack of education or in spite of education. But the university should aim to give the best training to the men of broadest knowledge, and thus to remove from the path of native ability as many obstacles as possible. For after all education does not make a lawyer. It can do no more than give an opportunity. What is done with the opportunity depends on the student himself and on no one else.

PROCEEDINGS  
OF THE  
NINETEENTH ANNUAL CONFERENCE  
OF  
Commissioners on Uniform State Laws

HELD AT  
DETROIT, MICHIGAN  
*August 19, 20, 21 and 23, 1909*

OFFICERS OF THE CONFERENCE  
1909-1910.

WALTER GEORGE SMITH, *President*,  
1006 Land Title Building, Philadelphia, Pennsylvania.

PETER W. MELDRIM, *Vice-President*,  
Savannah, Georgia.

CHARLES THADDEUS TERRY, *Secretary*,  
100 Broadway, New York, New York.

TALCOTT H. RUSSELL, *Treasurer*,  
42 Church St., New Haven, Connecticut.

FRANCIS A. HOOVER, *Assistant Secretary*,  
1004 Mercantile Library Building, Cincinnati, Ohio.

MEMORANDUM.

The National Conference of Commissioners on Uniform State Laws is made up of Commissioners created by different states, meeting in conference and organizing themselves into a national body for the better accomplishment of the work for which its members were appointed by the states. The Commissioners,

usually three from each state, are appointed under laws of the respective states creating them, usually for five years, with authority to confer with the Commissioners of the other states and recommend forms of bills or measures to bring about uniformity of law in the execution and proofs of deeds and wills, in the laws of bills and notes, marriage and divorce and other subjects where such uniformity seems practicable and desirable. The officers of the National Conference consist of a President, Vice-President, Secretary, Treasurer and Assistant Secretary, elected annually. Nineteen Conferences have so far been held; the first at Saratoga for three days, beginning August 24, 1892, and the nineteenth at Detroit, Michigan, August 19, 20, 21, 23, 1909.

A complete list of the Commissioners of the several states with standing committees will be found in the following pages.

The time of the nineteenth Conference was largely taken up in the consideration of the Uniform Law of Transfer of Title to Shares of Stock in Corporations and the Uniform Bills of Lading Act, drafted by Professor Williston, the Act relating to Family Desertion and Non-Support, and the Act relating to Marriage and Licenses to Marry.

The Committee on Commercial Law was authorized to have the Law of Transfer of Title to Shares of Stock in Corporations and the Bills of Lading Act, as finally approved and recommended by the Conference, printed and distributed for adoption by the various states.

The Committee on Uniform Incorporation Law was authorized to have its report, digest of various state incorporation laws, and its draft of a uniform incorporation law printed and distributed, in order to obtain expert comment and criticisms to facilitate the perfecting of this measure before its final adoption by the Conference.

The Committee on Insurance was authorized to have its report printed and distributed, in order to obtain expert comment and criticisms.

In accordance with the Constitution and By-laws adopted by this Conference, the Commissioners will please advise the Sec-

retary of the date of their appointment, specifying the law or authority under which the appointment was made and the duration of their term of office; also of any changes in the personnel of the respective State Commissions.

The Conference earnestly urges upon the legislatures of the several states, as well as upon their Commissioners, the importance of introducing at the next session all of the bills recommended which have not passed, and the Secretary would ask members to communicate with him whenever such bills are introduced.

In case the list of Commissioners as printed in this report is not correct, or any changes are made subsequently, the Secretary should be notified at once.

Extra copies of this report and such previous reports as are extant may be obtained on application to the President or the Secretary.



CONSTITUTION AND BY-LAWS  
OF THE  
Commissioners on Uniform State Laws

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CONSTITUTION

ARTICLE I.

*Name and Object.*

SECTION 1. This Conference or Association of Commissioners shall be known as "Commissioners on Uniform State Laws."

SEC. 2. Its object shall be to promote uniformity of state laws by affording the Commissioners on Uniform State Laws, appointed in the different states of the United States of America, an opportunity of meeting in Annual Conference for the better accomplishment of the work for which they were appointed.

ARTICLE II.

*Membership.*

SECTION 1. Its members shall consist of the Commissioners appointed under the laws or by the authority of the respective states of the United States of America to bring about uniformity of state laws, whose commissions give them authority to confer with Commissioners of the other states of said United States.

SEC. 2. Each Commissioner, upon his first attendance at an Annual National Conference of Commissioners and on his re-appointment, shall file with the Secretary of the Conference the date of his commission, a statement of the term for which he is appointed and a reference to the Act of Assembly or other authority under which he has been appointed a Commissioner.

## ARTICLE III.

*Officers and Committees.*

SECTION 1. The following officers shall be elected at each Annual Conference for the year ensuing:

A President, Vice-President, Treasurer, Secretary, Assistant Secretary, and an Executive Committee shall be constituted which shall consist of the President, the last preceding President,<sup>1</sup> Vice-President, Treasurer, and Secretary,<sup>2</sup> all of whom shall be *ex officio* members, together with five other members to be appointed by the President, and after the year 1908 no person shall be elected President for more than three successive terms.<sup>3</sup>

SEC. 2. The following committees shall be annually appointed by the President, for the year ensuing, and shall consist of seven members each:

1. Executive.
2. Commercial Law.
3. Wills, Descent and Distribution.
4. Marriage and Divorce.
5. Conveyances.
6. Depositions and Proof of Statutes of other States.
7. Insurance.
8. Congressional Action.
9. Appointment of New Commissioners.
10. Purity of Articles of Commerce.
11. Uniform Incorporation Law.
12. The Torrens System and Registration of Title to Land.
13. Banks and Banking.<sup>4</sup>
14. Publicity.

A majority of those members of any committee who may be present at any Annual Conference shall constitute a quorum of such committee for the purposes of such Conference.

<sup>1</sup> Amendment adopted in 1908.

<sup>2</sup> Amendment adopted in 1909.

<sup>3</sup> Amendment adopted in 1908.

<sup>4</sup> Amendment adopted in 1906.

## ARTICLE IV.

*Duties of Members.*

SECTION 1. It shall be the duty of the Commissioners from each state, at least thirty days before each Annual Conference, to report to the Chairman of the Executive Committee the enactment of any laws or the filing of any judicial decisions in the state from which they are appointed, upon the subject of uniform legislation in the United States.

SEC. 2. It shall be the duty of the Commissioners from each state to attend the Annual Conference of the Commissioners from the various states, or to arrange before each Annual Conference for the attendance of at least one Commissioner from their state at such Annual Conference.

SEC. 3. It shall be the duty of the Commissioners from each state to report to the President of the National Conference the death or resignation of any Commissioner from their state.

SEC. 4. It shall be the duty of the Commissioners from each state to endeavor to secure from the legislature of their state an appropriation toward defraying the annual expenses of the National Conference of Commissioners.

SEC. 5. It shall be the duty of the Commissioners from each state to file with the President, Secretary and members of the Executive Committee a copy of their reports to the governor or legislature of their respective states.

## ARTICLE V.

*By-Laws.*

By-laws may be adopted, repealed or amended at any Annual Conference of Commissioners by a majority of the Commissioners present.

## ARTICLE VI.

*Annual Address.*

The President shall open each Annual Conference with an address, in which he shall communicate such changes in the statute laws of each state as tend to promote uniformity of legis-

lation in the United States, and also any matters of interest concerning subjects of legislation, as to which uniformity may seem practicable and desirable, as well as any matters of general interest relating to the work and aims of the Conference. The topics referred to in the President's Annual Address relating to subjects pertinent to the work of this Conference, with his recommendations thereon, shall be referred to the appropriate committee or to special committees of the Conference, and each committee shall report at the next Conference upon such matters so referred.

#### ARTICLE VII.

##### *Annual Conference.*

The Annual Conference of Commissioners shall be held yearly at such time and place as shall be selected by the members of the Executive Committee, and those Commissioners present at each daily session of such Conference shall constitute a quorum.

#### ARTICLE VIII.

##### *Amendments.*

This Constitution may be altered or amended by a two-thirds vote of the Commissioners present at any Annual Conference; but no such change shall be made at any Conference at which less than fifteen Commissioners are present.

#### ARTICLE IX.

##### *Construction.*

The word "state," whenever used in this Constitution, shall be deemed to be equivalent to state, territory or district, or insular possession of the United States of America.

#### ARTICLE X.

##### *Privileges at Conference.*

The members of the Committee on Uniform State Laws of the American Bar Association shall be privileged to attend the Annual Conference of Commissioners and to participate in the discussions of the Conference, but without the right to vote.

## BY-LAWS

*Calling to Order.*

SECTION 1. The Annual Conference shall be called to order by the President, or, in his absence, by the Vice-President, or, in the absence of both the President and Vice-President, by the Secretary of the last preceding Conference.

*Roll Call.*

SEC. 2. The Secretary shall call the roll of members by states and report the names of those present.

*Officers.*

SEC. 3. The Conference shall annually thereupon proceed, upon nomination of a committee appointed for that purpose, or by a direct vote of the Conference, as it shall determine, to elect a President, a Vice-President, Treasurer, Secretary and Assistant Secretary, who shall serve as such during the Conference and until their successor shall be elected.

All officers, except the Assistant Secretary, shall be chosen from the Commissioners.<sup>1</sup>

*Duties of Officers.—President.*

SEC. 4. The President shall preside at all meetings of the Conference, appoint all standing committees, and, unless otherwise ordered by a vote of the Conference, he shall also appoint the members of special committees. It shall be his duty to make an annual address or report to the members of the Conference.

*Vice-President.*

SEC. 5. The Vice-President, during the absence or inability of the President, shall possess all the powers and perform all the duties of the President in his stead.

<sup>1</sup> Amendment adopted in 1906.

*Treasurer.*

SEC. 6. The Treasurer shall receive all the funds of the National Conference of Commissioners and shall keep and disburse the same, under the direction of the Executive Committee. He shall give bond with a surety company as surety for the faithful performance of his duties, in such form and in such amount as may be from time to time required by a vote of the National Conference, and such bond shall be deposited with the President for safe keeping. The premium on such bond shall be paid by the Conference. He shall keep, or cause to be kept, regular books and full accounts, showing all the receipts and disbursements, which books and accounts shall be open at all times to the inspection of the President or any member of the Executive Committee. He shall report, at each Annual Meeting of the Conference, as to the financial condition of the treasury, with a detailed statement of the receipts and disbursements. All of the funds of the National Conference shall be deposited in the name of the Treasurer, in such deposit banks or trust companies as shall be designated from time to time by a vote of the Conference; such funds shall be disbursed by the Treasurer by checks signed by him, every voucher having endorsed upon it the approval of the Chairman of the Executive Committee.

*Secretary.*

SEC. 7. The Secretary shall keep a record of the proceedings of the Conference, and of such other matters as may be directed to be placed on the files of the Conference; he shall keep an accurate roll of the officers and members of the Conference, with the dates of the attendance of each Commissioner, the date of his commission and the term thereof; he shall issue notices of all meetings of the National Conference, in such form as shall be approved by the Executive Committee; notify the members of all committees of their selection or appointment, conduct the correspondence of the Conference, and report to the Executive Committee, prior to the Annual Conference, a summary of his transactions during the year; shall perform such other duties as may be required of him by the Conference, the President, or

the Executive Committee, and his books and papers shall at all times be open to the inspection of the Executive Committee, and he shall receive such compensation for his services as shall be allowed by the Conference.

*Assistant Secretary.*

SEC. 8. The Assistant Secretary shall assist the Secretary in the performance of his duties, and act for him in his absence.

*Committees.*

SEC. 9. The President, as soon as may be after his election, shall appoint the following standing committees:

1. Executive.
2. Commercial Law.
3. Wills, Descent and Distribution.
4. Marriage and Divorce.
5. Conveyances.
6. Depositions and Proof of Statutes of Other States.
7. Insurance.
8. Congressional Action.
9. Appointment of New Commissioners.
10. Purity of Articles of Commerce.
11. Uniform Incorporation Law.
12. The Torrens System and Registration of Title to Land.
13. Banks and Banking.
14. Publicity.

*Order of Business.*

SEC. 10. At each session of the Conference the order of the business shall be as follows, unless otherwise ordered by the Conference:<sup>1</sup>

1. Call of the Roll.
2. Reading of the Minutes of Last Meeting.
3. Address of the President.
4. Report of the Treasurer.
5. Report of the Secretary.

<sup>1</sup> Amendment adopted in 1908.

6. Appointment of Nominating Committee to consist of five Members.
7. Report of Executive Committee.
8. Report of Standing Committees in the order named in article III, section 2, of the Constitution.
9. Reports of Special Committees.
10. Report of Nominating Committee and Election of Officers.
11. Unfinished Business.
12. New Business.

#### *Reports of Committees.*

SEC. 11. All reports of committees shall be in writing. No Commissioner or person privileged to participate in the discussions, except the member of the committee making the report, shall speak more than once to the subject matter of the report, nor for more than ten minutes, until after all the Commissioners shall have had an opportunity to be heard. A stenographer shall be employed at each annual meeting.

#### *Motions and Resolutions.*

SEC. 12. Motions and resolutions shall, on request of the Chair, be reduced to writing and be referred at once to the appropriate committee, unless otherwise directed by a majority vote of members present.

When a question is under debate, no motion shall be received but:

1. To adjourn.
2. To take a recess.
3. To lay on the table.
4. To postpone to a certain day.
5. To commit.
6. To amend.
7. To postpone indefinitely.

Which several motions shall take precedence in the order in which they stand arranged. When a recess is taken during the pendency of any question, the consideration of such question



shall be resumed upon the reassembling of the Conference unless otherwise determined.

A motion to adjourn shall always be in order; that and the motion to lay on the table shall be decided without debate. A motion for recess, pending the consideration of other business, shall not be debatable.

*Absence of Members of Conference.*

SEC. 13. When any state having a commission shall fail to be represented at two consecutive meetings of the Conference, the President shall notify the Governor of said state of the absence of its Commissioners for such action by the Governor as he may deem proper, and unless the non-attendance has been excused by the Conference.

*Reports of Committees.*

SEC. 14. Each committee whose province is some branch of law shall report annually what, if any, recommendations it desires to make; what progress has been made in securing the adoption of bills, within its province, already recommended by the Conference; and what difficulties have been met in securing the adoption of such bills. It shall be the duty of the Executive Committee to call the attention of the Chairman of each such committee to this rule a reasonable time before each annual meeting of the Conference.

*Printing, Etc.*

SEC. 15. All papers read before the Conference shall be lodged with the Secretary. The annual address of the President, the reports of committees, and so much of the proceedings at the Annual Conference as the Executive Committee shall direct, shall be printed; but no other address made or paper read or presented shall be printed, except by order of the Executive Committee.

The Secretary shall send one copy of the report of the proceedings of the Conference to the President of the United States, and to each of the Justices of the Supreme Court thereof, and

to the Library of the State Department, and of the Department of Justice thereof, and to the Governor, and to the Chief Judge of the Court of last resort of each state, and to the State Librarian thereof, and to such other persons or bodies as the Executive Committee may direct.

No resolution complimentary to an officer or member for any service performed, paper read or address delivered shall be considered by the Conference.

SEC. 16. The terms of office of all officers elected at any annual meeting shall commence with their election.

SEC. 17. The President shall appoint all committees, within thirty days after the annual meeting, and shall announce them to the Secretary, and the Secretary shall promptly give notice to the persons appointed.

SEC. 18. The Treasurer's report shall be examined and audited annually, before its presentation to the Conference, by two members to be appointed by the President of the Conference.

#### *Executive Committee.*

SEC. 19. The Executive Committee shall meet on the day preceding each annual meeting, at the place where the same is to be held, at such hour as the Chairman shall appoint.

If, at any annual meeting of the Conference, any member of the committee shall be absent, the vacancy may be filled by the members of the committee present.

It shall be the duty of the Executive Committee to make all arrangements for the annual meeting of the Conference, and to endeavor to secure the attendance at each Annual Conference of the Commissioners from the states represented in the Conference; to communicate with the Chairman of each standing committee and each special committee at least thirty days before the meeting of the Annual Conference with the view of securing a statement of the work of such committee since the preceding Annual Conference, and to attend to such other matters as may be from time to time referred to the committee by the Conference.

SEC. 20. Special meetings of any committee shall be held at

such times and places as the Chairman thereof may appoint. Reasonable notice shall be given by him to each member by mail.

SEC. 21. The traveling and other necessary expenses incurred by any committee, standing or special, for meetings of such committee during the interval between the annual meetings of the Conference, shall be paid by the Treasurer on the approval and by the order of the Executive Committee out of such appropriation as to the Executive Committee may seem necessary in such cases on previous application in advance of its expenditure.

SEC. 22. All reports of committees containing any recommendation for action on the part of the Conference shall be printed, together with a draft of bill embodying the views of the committee, whenever legislation shall be proposed. No legislation shall be recommended or approved except upon the report of a committee.

SEC. 23. It shall be the duty of the Commissioners from each state to endeavor to procure the enactment by the legislature of their state of each and every law recommended by the Conference, and the Secretary shall furnish them with copies of each and every recommendation and draft of bill when there shall be such draft; and whenever this Conference shall by resolution recommend the enactment of any law or laws, the Secretary shall, as soon as possible, furnish a copy of the resolution to the President of each State Bar Association with the request of this Conference that such State Bar Association shall co-operate with the Commissioners of that state in having a bill introduced in the legislature of their state containing the subject matter recommended by such resolution, and use proper means to procure the enactment of the same into law. In every state where there is no State Bar Association, a copy of such resolution, with a similar request, shall be sent to the President of the Bar Association of the principal city in such state; and in every instance where the form of bill has been recommended with the resolution, a copy of such form of bill shall also be sent with the resolution.

SEC. 24. These By-laws may be amended at any Conference of the Commissioners by a majority vote of the Commissioners present at such Conference.

LIST OF  
COMMISSIONERS ON UNIFORM STATE LAWS.  
1909.

**ARKANSAS.**—John Fletcher, Southern Trust Bldg., Little Rock; John M. Moore, Moore & Turner Bldg., Little Rock; Ashley Cockrill, Southern Trust Bldg., Little Rock.

**ALABAMA.**—Fredk. G. Bromberg, 72 St. Francis St., Mobile; Henry Tonsmeire, Mobile; S. D. Weakley, Birmingham.

**ARIZONA.**—Edw. Kent, Phoenix; E. E. Ellinwood, Bisbee; J. M. Ross, Prescott.

**CALIFORNIA.**—John F. Davis, 1430 Masonic Ave., San Francisco; Chas. Monroe, California Club, Los Angeles; Lynn Helm, Los Angeles Trust Bldg., Los Angeles; Gurney E. Newlin, 431 S. Hill St., Los Angeles; Walter R. Leeds, Los Angeles.

**COLORADO.**—Thos. H. Devine, Opera House Block, Pueblo; Gerald Hughes, Denver; Willis V. Elliott, Denver.

**CONNECTICUT.**—Talcott H. Russell, New Haven; Walter E. Coe (165 Broadway, N. Y.), Stamford; Erliss P. Arvine, 42 Church St., New Haven.

**DISTRICT OF COLUMBIA.**—F. L. Siddons, Bond Bldg., Washington; Aldis B. Browne, 1419 F St., N. W., Washington; Walter C. Clephane, Fendall Bldg., Washington.

**FLORIDA.**—Robt. W. Williams, Tallahassee; John C. Avery, Pensacola; Louis C. Massey, Orlando.

**GEORGIA.**—Peter W. Meldrim, Savannah; A. C. Pate, Hawkinsville; Reuben R. Arnold, Atlanta.

**ILLINOIS.**—John C. Richberg, 1303 Rector Bldg., Chicago; Nathan W. MacChesney, 108 La Salle St., Chicago; John H. Wigmore, Northwestern Law School, Chicago; Oliver A. Harker, University of Illinois, Champaign; Ernst Freund, University of Chicago, Chicago.

**IDAHO.**—James E. Babb, Lewiston National Bank Bldg., Lewiston; Fremont Wood, Boise; W. W. Woods, Wallace.

**INDIANA.**—Andrew A. Adams, Columbia City; E. B. Sellers, Monticello; S. O. Pickens, Indianapolis; James W. Noel, Indianapolis; Merrill Moores, Indianapolis.

- IOWA.**—Thos. A. Cheshire, Des Moines; Emlin McClain, Iowa City; J. B. Sullivan, Des Moines; H. O. Weaver, Wapello.
- KANSAS.**—A. A. Godard, Topeka; Chas. W. Smith, Stockton; S. N. Hawkes, Topeka; S. H. Allen, Topeka; J. L. Jackson, Topeka.
- KENTUCKY.**—T. L. Edelen, Frankfort; John T. Shelby, Lexington; James R. Duffin, Louisville.
- LOUISIANA.**—Thos. J. Kernan, 414 Third St., Baton Rouge; W. O. Hart, 134 Carondelet St., New Orleans; J. R. Thornton, Alexandria.
- MAINE.**—Chas. F. Libby, 57 Exchange Street, Portland; Frank M. Higgins, Limerick; Hannibal E. Hamlin, Ellsworth.
- MARYLAND.**—Geo. Whitelock, Baltimore; Jacob Rohrback, Frederick; Lewin W. Wickes, Chestertown.
- MASSACHUSETTS.**—Samuel Ross, New Bedford; James Barr Ames, Cambridge; H. R. Bailey, Cambridge.
- MICHIGAN.**—George W. Bates, 32 Buhl Bldg., Detroit; Lawrence C. Fyfe, Benton Harbor; Cyrenius P. Black, Lansing.
- MINNESOTA.**—W. S. Pattee, University of Minnesota, Minneapolis; W. W. Billson, Duluth; Rome G. Brown, 1006 Met. Life Bldg., Minneapolis; Frederick V. Brown, Court House, Minneapolis; Daniel Fish, N. Y. Life Bldg., Minneapolis; Howard S. Abbott, Federal Bldg., Minneapolis; Frank D. Larrabee, Security Bank Bldg., Minneapolis; T. R. Kane, St. Paul; Albert R. Moore, Germania Life Ins. Bldg., St. Paul; John D. O'Brien, Commercial Bldg., St. Paul.
- MISSISSIPPI.**—R. H. Thompson, Jackson; W. V. Sullivan, Oxford; A. T. Stovall, Okolona.
- MISSOURI.**—Seneca N. Taylor, St. Louis; John D. Lawson, Columbia; Edwin A. Krauthoff, Kansas City.
- MONTANA.**—J. B. Clayberg, Helena; T. C. Marshall, Missoula; Hiram Knowles, Missoula.
- NEBRASKA.**—John L. Webster, 326 N. Y. Life Building, Omaha; Ralph W. Breckenridge, 711 N. Y. Life Bldg., Omaha; William G. Hastings, Wilbur.
- NEW HAMPSHIRE.**—Henry E. Burnham, Manchester; Ira A. Chase, Bristol.
- NEW JERSEY.**—Frank Bergen, Elizabeth; John R. Hardin, Prudential Bldg., Newark; John R. Emery, Morristown.
- NEW MEXICO.**—James M. Hervey, Roswell; James G. Fitch, Socorro; A. A. Freeman, Carlsbad (Victoria, B. C.).
- NEW YORK.**—Charles Thaddeus Terry, 100 Broadway, N. Y. City; Francis M. Burdick, 633 West 115th St., N. Y. City.
- NORTH CAROLINA.**—J. Crawford Biggs, Durham; Linsly Patterson, Winston-Salem; Charles A. Moore, Asheville.

**NORTH DAKOTA.**—H. R. Turner, Fargo; John E. Green, Minot.

**OHIO.**—Seth S. Wheeler, Lima; Francis B. James, Mercantile Library Bldg., Cincinnati; Harry B. Arnold, 8 East Long St., Columbus.

**OKLAHOMA.**—J. C. Strang, Guthrie; J. W. Shartell, Oklahoma City; John H. Mosier, Norman; C. B. Ames, Oklahoma City; C. R. Brooks, Guthrie.

**OREGON.**—H. H. Emmons, 366 Washington St., Portland; W. H. Fowler, Board of Trade Building, Portland.

**PENNSYLVANIA.**—William H. Staake, 648 City Hall, Philadelphia; Walter George Smith, 1006 Land Title Building, Philadelphia; Robert Snodgrass, Harrisburg.

**PHILIPPINE ISLANDS.**—E. Finley Johnson, Associate Judge Supreme Court, Manila; Charles S. Lobingier, Judge Court of First Instance, District of Manila, Baguio; Charles H. Smith, Judge Court of the First Instance, Manila (or Jackson, Michigan).

**RHODE ISLAND.**—Amasa M. Eaton, 86 Weybosset Street, Providence; William R. Tillinghast, Providence; Clarence N. Woolley, Studley Bldg., Providence.

**SOUTH CAROLINA.**—T. Moultrie Mordecai, Charleston; John C. Shepard, Edgefield; John P. Thomas, Jr., Columbia.

**SOUTH DAKOTA.**—U. S. G. Cherry, Sioux Falls; A. W. Wilmarth, Huron; L. W. Crofoot, Aberdeen; J. H. Voorhees, Sioux Falls.

**TEXAS.**—W. M. Crook, Beaumont; H. M. Garwood, Houston; Claude Pollard, Kingsville; Hiram Glass, Texarkana.

**TENNESSEE.**—Lem Banks, Memphis; W. H. Washington, Nashville; H. H. Ingersoll, Knoxville.

**UTAH.**—Jerrold R. Letcher, U. S. Courts, Salt Lake; Benner X. Smith, Salt Lake; L. L. Baker, Tooele.

**VERMONT.**—O. M. Barber, Bennington; A. A. Hall, St. Albans.

**VIRGINIA.**—Eugene C. Massie, Richmond; J. E. Thrift, Madison; James R. Caton, Alexandria.

**WASHINGTON.**—Charles E. Shepard, New York Bldg., Seattle; Alfred Battle, Alaska Bldg., Seattle; W. B. Tanner, Olympia.

**WEST VIRGINIA.**—John W. Davis, Clarksburg; Hunter H. Moss, Jr., Parkersburg; Charles W. Dillon, Fayetteville; William W. Brannon, Weston; Edgar B. Stewart, Morgantown.

**WISCONSIN.**—Edward W. Frost, Wells Bldg., Milwaukee; E. Ray Stevens, Madison; Dr. Charles McCarthy, 409 North Henry St., Madison.

**WYOMING.**—Chief Justice Charles N. Potter, Cheyenne; Attorney-General W. E. Mullen, Cheyenne; Assistant U. S. Attorney Edward T. Clark, Cheyenne.

LIST OF  
COMMISSIONERS ON UNIFORM STATE LAWS.  
PRESENT AT THE  
NINETEENTH ANNUAL CONFERENCE,  
DETROIT, MICHIGAN,  
*August 19, 20, 21 and 23, 1909.*

ALABAMA.—Frederick G. Bromberg, Mobile.

ARKANSAS.—John Fletcher, Little Rock.

CALIFORNIA.—Walter R. Leeds, Los Angeles.

CONNECTICUT.—Talcott H. Russell, New Haven; Walter E. Coe, Stamford.

FLORIDA.—Robert W. Williams, Tallahassee.

GEORGIA.—Peter W. Meldrim, Savannah.

ILLINOIS.—John H. Wigmore, Chicago; Nathan W. MacChesney, Chicago; Ernst Freund, Chicago; John C. Richberg, Chicago.

INDIANA.—Merrill Moores, Indianapolis; Andrew A. Adams, Columbia City; E. B. Sellers, Monticello; J. W. Noel, Indianapolis.

IDAHO.—Fremont Wood, Boise.

KANSAS.—C. W. Smith, Stockton; S. H. Allen, Topeka.

LOUISIANA.—J. R. Thornton, Alexandria; W. O. Hart, New Orleans; Thomas J. Kernan, Baton Rouge.

MAINE.—Charles F. Libby, Portland; Frank M. Higgins, Limerick; Hannibal E. Hamlin, Ellsworth.

MASSACHUSETTS.—Hollis R. Bailey, Cambridge; James Barr Ames, Cambridge.

MARYLAND.—Jacob Rohrback, Frederick; George Whitelock, Baltimore.

MICHIGAN.—George W. Bates, Detroit; C. P. Black, Lansing.

MISSISSIPPI.—A. T. Stovall, Okolona.

MISSOURI.—Edwin A. Krauthoff, Kansas City; John D. Lawson, Columbia; Seneca N. Taylor, St. Louis.

NEBRASKA.—Ralph W. Breckenridge, Omaha; W. G. Hastings, Lincoln.

**NEW JERSEY.**—John R. Emery, Morristown; Frank Bergen, Elizabeth; John R. Hardin, Newark.

**NEW YORK.**—F. M. Burdick, New York City; Charles Thaddeus Terry, New York City.

**OHIO.**—Francis B. James, Cincinnati; S. S. Wheeler, Lima.

**PENNSYLVANIA.**—W. H. Staake, Philadelphia; Walter George Smith, Philadelphia; Robert Snodgrass, Harrisburg.

**RHODE ISLAND.**—Amasa M. Eaton, Providence; Clarence N. Woolley, Providence.

**SOUTH CAROLINA.**—T. Moultrie Mordecai, Charleston; J. P. Thomas, Jr., Columbia.

**SOUTH DAKOTA.**—John H. Voorhees, Sioux Falls.

**TENNESSEE.**—Henry H. Ingersoll, Knoxville; Lem Banks, Memphis.

**TEXAS.**—Hiram Glass, Texarkana.

**WEST VIRGINIA.**—Edgar B. Stewart, Morgantown; C. W. Dillon, Fayetteville; W. W. Brannon, Weston.

**WISCONSIN.**—Edward W. Frost, Milwaukee.

**WYOMING.**—C. N. Potter, Cheyenne; W. E. Mullen, Cheyenne.

*Others in Attendance at Conference.*

**MICHIGAN.**—Wade Willis, Detroit; Frank R. Hamburger, Detroit; Henry Russell, General Counsel Michigan Central Railway Co., Detroit; John H. Johnson, Detroit.

**OHIO.**—W. A. Greenland, Cleveland.

**WISCONSIN.**—John B. Sanborn, Madison.

There were also present by invitation: Professor Samuel Williston, of the Harvard Law School; Thomas B. Paton, Counsel of the American Bankers' Association; Albert M. Read, President of the American Warehousemen's Association, and Adolph Sloman, of the National Association of Credit Men; E. C. Van Huson, Chairman Special Committee on Uniform Laws, National Association of Real Estate Exchanges.



LIST OF COMMITTEES OF THE CONFERENCE  
OF  
COMMISSIONERS ON UNIFORM STATE LAWS.  
1909-1910.

(Names given first are Chairmen.)

1. Executive Committee.

*Appointed Members.*

William H. Staake, Pennsylvania.  
Charles F. Libby, Maine.  
Hiram Glass, Texas.  
Charles W. Smith, Kansas.  
John Fletcher, Arkansas.

*Ex-Officio.*

Walter George Smith, Pennsylvania, *President*.  
Peter W. Meldrim, Georgia, *Vice-President*.  
Talcott H. Russell, Connecticut, *Treasurer*.  
Charles Thaddeus Terry, New York, *Secretary*.  
Amasa M. Eaton, Rhode Island, *Ex-President*.

2. **Commercial Law.**—Francis B. James, Ohio; Talcott H. Russell, Connecticut; Charles F. Libby, Maine; W. O. Hart, Louisiana; Charles Thaddeus Terry, New York; James Barr Ames, Massachusetts; George Whitelock, Maryland.
3. **Wills, Descent and Distribution.**—W. O. Hart, Louisiana; Robert W. Williams, Florida; Francis M. Burdick, New York; George W. Bates, Michigan; Hannibal E. Hamlin, Maine; John L. Webster, Nebraska; Walter R. Leeds, California.
4. **Marriage and Divorce.**—Edward W. Frost, Wisconsin; J. R. Thornton, Louisiana; Seneca N. Taylor, Missouri; F. L. Siddons, District of Columbia; Robert Snodgrass, Pennsylvania; John R. Emery, New Jersey; Ernst Freund, Illinois.

5. **Conveyances.**—Amasa M. Eaton, Rhode Island; Nathan W. MacChesney, Illinois; Jacob Rohrbach, Maryland; Edgar B. Stewart, West Virginia; Andrew A. Adams, Indiana; James M. Hervey, New Mexico; Jerrold R. Letcher, Utah.
6. **Depositions and Proof of Statutes of Other States.**—Frank Bergen, New Jersey; F. G. Bromberg, Alabama; C. P. Black, Michigan; Merrill Moores, Indiana; A. T. Stovall, Mississippi; James E. Babb, Idaho; J. B. Clayberg, Montana.
7. **Insurance.**—Talcott H. Russell, Connecticut; Charles F. Libby, Maine; John C. Richberg, Illinois; Robert W. Williams, Florida; Charles E. Shepard, Washington; Ralph W. Breckenridge, Nebraska; Edwin A. Krauthoff, Missouri; Charles W. Dillon, West Virginia.
8. **Congressional Action.**—Aldis B. Browne, District of Columbia; E. Ray Stevens, Wisconsin; Charles A. Moore, North Carolina; H. H. Ingersoll, Tennessee; Rome G. Brown, Minnesota; William W. Brannon, West Virginia; William G. Hastings, Nebraska.
9. **Appointment of New Commissioners.**—Lem Banks, Tennessee; H. R. Turner, North Dakota; Eugene C. Massie, Virginia; A. A. Hall, Vermont; John T. Shelby, Kentucky; W. O. Hart, Louisiana; Gerald Hughes, Colorado.
10. **Purity of Articles of Commerce.**—Walter E. Coe, Connecticut; T. Moultrie Mordecai, South Carolina; John F. Davis, California; Walter C. Clephane, District of Columbia; Louis C. Massey, Florida; J. H. Voorhees, South Dakota; H. H. Emmons, Oregon.
11. **Uniform Incorporation Law.**—John C. Richberg, Illinois; Thomas J. Kernan, Louisiana; Charles Thaddeus Terry, New York; Erliss P. Arvine, Connecticut; John R. Emery, New Jersey; Hannibal E. Hamlin, Maine; John P. Thomas, Jr., South Carolina.
12. **The Torrens System and Registration of Land Titles.**—Francis M. Burdick, New York; John H. Wigmore, Illinois; John D. Lawson, Missouri; Edward Kent, Arizona; Ira A. Chase, New Hampshire; E. Finley Johnson, Philippine Islands; James Barr Ames, Massachusetts.
13. **Banks and Banking.**—Ralph W. Breckenridge, Nebraska; Frank M. Higgins, Maine; Oliver A. Harker, Illinois; J. R. Thornton, Louisiana; Charles N. Potter, Wyoming; H. R. Bailey, Massachusetts; S. S. Wheeler, Ohio.

**14. Publicity.**—W. O. Hart, Louisiana; Amasa M. Eaton, Rhode Island; Charles Thaddeus Terry, New York.

**Special Committee on Vital and Penal Statistics.**—F. L. Siddons, District of Columbia; Aldis B. Browne, District of Columbia; Walter C. Clephane, District of Columbia.

**Special Committee on Child Labor Legislation.**—Hollis R. Bailey, Massachusetts; Amasa M. Eaton, Rhode Island; Nathan W. MacChesney, Illinois; Fremont Wood, Idaho; A. T. Stovall, Mississippi.

**Special Committee to Consider and Report the Advisability of the Appointment by the Conference of a Standing Committee to Co-operate with the American Institute of Criminal Law and Criminology on Matters Affecting Penal Law.**—John H. Wigmore, Illinois; Talcott H. Russell, Connecticut; John D. Lawson, Missouri.

## PROCEEDINGS

*Detroit, Michigan,*

*Thursday, August 19, 1909, 10 A. M.*

The Nineteenth Annual Conference of the Commissioners on Uniform State Laws convened in the County Building, Detroit, Michigan, on Thursday, August, 19, 1909, the President, Amasa M. Eaton, of Rhode Island, in the Chair.

The following Commissioners were registered and in attendance.

*(See List of Commissioners Present, page 987.)*

The President of the Conference, Amasa M. Eaton, of Rhode Island, then delivered the Annual Address.

*(The Address follows these Minutes, page 1024.)*

The report of the Treasurer of the Conference, Talcott H. Russell, of New Haven, Connecticut, was then read, and, on motion, referred to an auditing committee, consisting of R. W. Williams, of Florida, Ernst Freund, of Illinois, and Nathan W. MacChesney, of Illinois.

*(The Report follows these Minutes, page 1054.)*

The report of the Secretary, Charles Thaddeus Terry, of New York, was then read, and on motion, approved and placed on file.

*(The Report follows these Minutes, page 1057.)*

The report of the Executive Committee was then read by the Chairman, William H. Staake, of Philadelphia, Pa., and, on motion, approved and placed on file.

*(The Report follows these Minutes, page 1060.)*

The President:

The regular order of business will now be reports of standing committees.

Francis B. James, Chairman, submitted the report of the Committee on Commercial Law.

On motion, the report was received and placed on file.

*(The Report follows these Minutes, page 1077.)*

The President:

Is there any report from the Committee on Wills, Descent and Distribution?

W. O. Hart, of Louisiana:

Owing to the fact that the membership of this committee was scattered largely over the country, there has been no opportunity for the committee to meet, though there has been considerable correspondence between the members. I prepared a draft report which by correspondence the members of the committee agreed should be submitted as a beginning of our real work. This report is in print, and I will simply present it and ask that the subject be recommitted to the committee.

On motion, the report was received and the request of the committee that the subject be recommitted to it was granted.

*(The Report follows these Minutes, page 1107.)*

The President:

Report of the Committee on Marriage and Divorce.

Walter George Smith, of Pennsylvania:

The report of this committee has been printed, and I am advised that the Executive Committee has made the subject of the tentative draft on marriage and divorce a special order for consideration immediately following the disposition of the acts recommended by the Committee on Commercial Law.

I would, therefore, suggest that the report be received and filed, and that further consideration thereof be taken up following the report of the Committee on Commercial Law.

The motion was seconded and carried, and the Conference so ordered.

*(The Report follows these Minutes, page 1110.)*

The President:

Committee on Conveyances.

J. R. Thornton, of Louisiana:

No matter was referred by the Conference to our committee, and, therefore, there is no report to be made.

The President:

Committee on Depositions and Proof of Statutes of Other States.

Charles Thaddeus Terry, of New York:

There is no report from that committee.

The President:

Committee on Insurance.

William H. Staake, of Pennsylvania:

I have a copy of the report sent me by Mr. Libby. Mr. Libby will probably arrive here this evening, and I suggest that the reading of the report be deferred until he comes.

The President:

Unless objection is made the reading of the report will await Mr. Libby's arrival.

*(The Report follows these Minutes, page 1112.)*

Report of the Committee on Congressional Action. I am informed that there is no report from this committee.

Report of the Committee on Appointment of New Commissioners.

W. O. Hart, of Louisiana:

At the request of the Chairman of the committee I read the following report:

*(The Report follows these Minutes, page 1120.)*

On motion, the report was received and placed on file.

The President:

Report of the Committee on Purity of Articles of Commerce.

William H. Staake, of Pennsylvania:

The report of that committee has been handed to me, and I will read it.

*(The Report follows these Minutes, page 1123.)*

On motion, the report was received and placed on file, its recommendations to be taken up later during the Conference for consideration.

Recess was then taken until 2.30 o'clock P. M.

## AFTERNOON SESSION.

The President:

Report of the Committee on Uniform Incorporation Law.

John C. Richberg, of Illinois:

I desire to state that this committee has not as yet had a meeting, because we did not have a quorum. I understand, however, that a quorum is present now, and I ask that our report be laid over until tomorrow morning.

The President:

Unless there is objection it is so ordered.

Committee on Torrens System and Registration of Title to Land.

The report was read by W. O. Hart, and, on motion, received and placed on file.

*(The Report follows these Minutes, page 1125.)*

The President:

The report of the Committee on Banks and Banking.

Talcott H. Russell, of Connecticut:

I fancy that I am the only member of the committee present. No meeting of the committee has been held, and nothing has come before us for action; therefore we have no report to make.

The President:

Report of the Committee on Publicity.

The report was read, and on motion, received and placed on file.

*(The Report follows these Minutes, page 1127.)*

The President:

Report of the Committee on Vital Statistics.

Charles Thaddeus Terry, of New York:

I have received within the hour a special delivery letter as follows:

“DEAR MR. TERRY: Enclosed you will find a copy of the report of the Committee on Vital Statistics to be submitted to the Conference.

“It is with regret that all three members of the committee find it quite impossible to attend the Conference this year, though

two of them had fully expected to be present to within a very recent date. We request that you will in an appropriate manner submit the report to the Conference for its action."

This letter is signed by F. L. Siddons, and the report is enclosed.

*(The Report follows these Minutes, page 1130.)*

On motion, the report was received and placed on file.

William H. Staake, of Pennsylvania:

Bearing on the subject of indeterminate sentences and so forth, I would state that the act has been adopted in Pennsylvania, and has been in operation since the first of July.

The President:

This completes the reports from the different committees.

Nathan W. MacChesney, of Illinois:

With the consent of the Commissioners, I should like to have the Committee on Conveyances called, so that I may present this letter and have it referred to the committee for consideration next year:

"THE NATIONAL ASSOCIATION OF REAL ESTATE EXCHANGES.  
EXECUTIVE OFFICES, 118 DEARBORN STREET, CHICAGO, ILL.

"1216 PENOBSCOT BLDG., DETROIT, MICH., Aug. 18, 1909.

"Col. Nathan William MacChesney, General Counsel of The  
National Association of Real Estate Exchanges, Hotel  
Pontchartrain, Detroit.

"DEAR SIR: At the Convention of the National Association of Real Estate Exchanges, held in Detroit the latter part of June, 1909, a Committee on Uniform Laws was appointed, of which I was honored as Chairman, to confer with the proper committee of the American Bar Association or other organizations considering such matters, relative to the uniformity of laws pertaining to our interests.

"As the General Counsel of the National Association of Real Estate Exchanges, we would thank you to present for the consideration of such Association the following:

- (1) Uniform Laws of Conveyancing.
- (2) Uniform Notarial Acknowledgments. -
- (3) Uniform Probate Laws, referring to Real Estate especially.



(4) Uniform Law regarding the Filing of "*Lis Pendens*" on Real Estate.

(5) Uniform Law regarding the Releasing of Mortgages, Deeds of Trust, Etc.

"We would thank you to bring these matters to the attention of such Association, and have them referred to the proper committee for future action.

"Your attention will greatly oblige,

Yours truly,

E. C. VAN HUSAN,

*Chairman of Special Committee on Uniform Laws of the National Association of Real Estate Exchanges."*

On motion, the letter was referred to the Committee on Conveyances, with the request that a report be made upon the subject at the next Conference.

W. O. Hart, of Louisiana:

I move that that part of the President's address which it was intimated should go before the Executive Committee, be referred to that committee with the request that they report thereon at any time that suits the committee's convenience.

The motion was seconded and carried.

The President:

The next business is the report of the Nominating Committee and the election of officers of the Conference.

Francis B. James, of Ohio:

The Nominating Committee report the following nominations for officers of the Conference for the ensuing year:

President, Walter George Smith, of Philadelphia, Pennsylvania.

Vice-President, Peter W. Meldrim, of Savannah, Georgia.

Treasurer, Talcott H. Russell, of New Haven, Connecticut.

Secretary, Charles Thaddeus Terry, of New York City.

Assistant Secretary, Francis A. Hoover, of Cincinnati, Ohio.

On motion, the recommendations of the Committee on Nominations were concurred in, and the Secretary cast one ballot for the election of the nominees presented.

The President:

I have to announce that the Secretary has cast the ballot of

the Conference for the nominees named, and I, therefore, declare Walter George Smith elected President, Peter W. Meldrim elected Vice-President, Talcott H. Russell elected Treasurer, Charles Thaddeus Terry elected Secretary, and Francis A. Hoover elected Assistant Secretary.

George W. Bates, of Michigan:

I move that a committee of two be appointed by the Chair to notify the President-elect of his election, and escort him to the platform.

The motion was seconded and carried, and the Chair appointed Messrs. Bates, Staake and Hart as such committee.

The President-elect was then escorted to the Chair.

President Smith:

Gentlemen, I need not say to you that I am profoundly complimented by this evidence of your consideration. For eighteen years this Commission, representing so many states, now almost all of the states and territories of the union, has been year by year giving careful and conscientious consideration to measures that must redound to the highest welfare of the people. No more useful work could occupy the attention of men, and certainly it is to the credit of our profession that so many eminent members of it from all the states come here in the midst of vacation time and give their time and thought to the consideration of important measures.

This is the first time that the new rule has been put in practice, which requires that the presiding officer of the Conference shall be changed at least tri-annually. There have only been three Presidents since the organization of the Commission. The Scripture says: "Let him boast who taketh his armor off," but when one does take his armor off, then, if he has done well, he is entitled to the congratulations of the body for whom he has been working. The gentlemen who by your choice have presided year after year over the Commission have been eminent members of the profession, and certainly I feel that I express the sentiment of every one of us when I say that he whose place I have just taken has won our regard and our affection

by his kindness, his impartiality and his legal acquirements, which he has always put at the disposal of his profession and of his fellow-citizens.

It might be proper at this time to say something of the work before us, but so many and such wise remarks have been made as to its scope, that I feel I would be trespassing upon your attention were I to attempt to outline any further what has been so well said by my predecessor as to the work to which we ought to direct our consideration. Let me ask you, in all sincerity and without one particle of affectation, feeling as I do profoundly the enormous importance of our work, not only to our present generation but to generations to come, to aid me by your courtesy, by your forbearance and by your patience, and, recognizing my professional and my personal limitations, to support me by your charity.

Mr. Secretary, what is the next order of business?

Charles Thaddeus Terry, of New York:

I would like to offer the following resolution, Mr. President:

WHEREAS, The Conference recognizes the many valuable services in the cause of uniform laws of the various states rendered by our retiring President, Amasa M. Eaton, and heartily appreciates his untiring efforts, his unswerving loyalty to our organization and his sincere devotion to the duties of his office,

*Be it Resolved*, That the Conference extend to Mr. Eaton its gratitude for his notable services and his long-sustained enthusiasm in its behalf, and that this resolution be spread upon the minutes as a record of the sense of obligation entertained by this body.

The resolution was seconded by various members, and adopted by a rising vote.

The President:

The next matter is unfinished business.

Francis B. James, of Ohio:

I move that the Conference do now go into Committee of the Whole for the consideration of the proposed uniform "Certificates of Stock Act."

The motion was seconded and carried, and the Conference resolved itself into Committee of the Whole, with Vice-President Meldrim in the Chair.

*(The details of the discussion in Committee of the Whole are omitted.)*

The Committee of the Whole then rose, and the President resumed the Chair.

The President:

We will receive the report of the Chairman of the Committee of the Whole.

Peter W. Meldrim, of Georgia:

As Chairman of the Committee of the Whole, I beg to report that we have been in session considering the proposed Law of Transfer of Title to Shares of Stock in Corporations; we have made some progress, and ask leave to sit again.

The President:

The report is received and, unless there is objection, leave is granted to the committee to sit again.

The Conference then adjourned to Friday, August 20, at 10 A. M.

## SECOND DAY.

*Friday August 20, 1909, 10 A. M.*

The President in the Chair.

The President:

When adjournment was taken the Committee of the Whole had reported progress in reference to the Certificates of Stock Act, and leave had been granted them to sit again. What is the pleasure of the Conference at this time?

W. O. Hart, of Louisiana:

I move that we go into Committee of the Whole, and resume consideration of the pending measure.

The motion was seconded and carried, and the Conference then went into Committee of the Whole for the purpose of

resuming consideration of the Certificates of Stock Act, with Vice-President Meldrim in the Chair.

*(The details of the discussion in Committee of the Whole are omitted.)*

The hour of recess having arrived, the Committee of the Whole rose, the President resumed the Chair, and the Chairman of the Committee of the Whole reported progress, and asked leave on behalf of the Committee of the Whole to sit again, which leave was granted.

The Conference then took a recess until half past 2 o'clock.

#### AFTERNOON SESSION.

The President:

When the Conference adjourned we had just received a report from the Chairman of the Committee of the Whole reporting progress in the consideration of the Transfer of Stock Act. What is your pleasure with regard to the proceedings this afternoon?

On motion, the Conference resolved itself into Committee of the Whole, with Vice-President Meldrim in the Chair, and resumed its consideration of the Certificates of Stock Act.

*(The details of the discussion in Committee of the Whole are omitted.)*

The Committee of the Whole then rose, and the President resumed the Chair.

Peter W. Meldrim, of Georgia:

The Committee of the Whole having had under consideration the Fourth Tentative Draft of an Act to Make Uniform the Law of Transfer of Title to Shares of Stock in Corporations, report the bill favorably, with the amendments thereof, and approve its adoption.

The President:

You have heard the Committee of the Whole. What is your pleasure?

Francis B. James, of Ohio:

I move that the report be accepted, and the following resolution adopted:

*Be it Resolved*, By the Commissioners on Uniform State Laws that the Fourth Tentative Draft of an Act to make Uniform The Laws of Transfer of Title to Shares of Stock in Corporations, with the amendments as reported, be approved, and that the legislatures of the several states be requested and urged to enact the same into law; that the Committee on Commercial Law, in conjunction with Professor Williston, shall publish the Act, and correct any possible verbal inaccuracies therein, and that the same shall be duly annotated.

The resolution was seconded and carried by a vote of 24 ayes to 4 nays.

The President:

The next order of business as arranged by the Executive Committee is the consideration of the Bills of Lading Act, but inasmuch as the Committee on Uniform Incorporation Laws has a report that it only wants received and filed, I assume the consent of the Conference and will give the floor to Mr. Richberg, of Illinois, to present that report.

John C. Richberg, of Illinois, then read the report of the Committee on Uniform Incorporation Laws.

*(The Report follows these Minutes, page 1132.)*

John C. Richberg, of Illinois:

I offer this resolution on behalf of the committee:

*Resolved*, That the Committee on Uniform Incorporation Laws print the report and draft of Act herewith submitted, mail copies thereof to the members of the Conference and others, and that such draft be considered for action to be taken at the next Annual Conference.

The resolution was seconded and carried.

Charles F. Libby, of Maine, then read the report of the Committee on Insurance, which was received and filed.

*(The Report follows these Minutes, page 1112.)*

W. O. Hart, of Louisiana:

I ask unanimous consent to submit a constitutional amendment, and have it go over for action until tomorrow:

Amend Article III of Section 1 of the Constitution by striking out the word "four" in line five of the second paragraph, and inserting in lieu thereof the word "five."

The object of the amendment is to increase the appointive members of the Executive Committee from four to five.

The President:

The amendment proposed by the gentleman from Louisiana is received, and it will lie over for consideration tomorrow.

A motion will now be entertained to go into Committee of the Whole for consideration of the Bills of Lading Act.

The Conference resolved itself into Committee of the Whole for the purpose of considering the Fourth Tentative Draft of the Bills of Lading Act, with Charles F. Libby, of Maine, in the Chair.

*(The details of the discussion in Committee of the Whole are omitted.)*

The Committee of the Whole then rose, and the President resumed the Chair.

Charles F. Libby, of Maine:

The Committee of the Whole having had under consideration the Fourth Tentative Draft of the Bills of Lading Act, reports progress and asks leave to sit again.

The President:

The report is received, and leave to sit again is granted.

The Conference then adjourned to Saturday, August 21, 1909, at 10 A. M.

### THIRD DAY.

*Saturday, August 21, 1909, 10 A. M.*

The President in the Chair.

W. O. Hart, of Louisiana:

I move the adoption of the resolution which I presented yesterday amending the Constitution.

The motion was seconded, and carried, it being noted that more than fifteen Commissioners were present, and that the resolution was adopted by more than a two-thirds vote.

William H. Staake, of Pennsylvania:

I would like to call attention to Section 6 of the By-laws, in

reference to the duties of the Treasurer. The Treasurer has never had a vote of the Conference upon the question as to whether he should or should not give a bond for the faithful performance of his duties. Mr. Russell has expressed his desire to give a bond, and, therefore, I move that a bond in the sum of \$1,000, with corporate suretyship, to be approved by the Chairman of the Executive Committee, be executed by the Treasurer of the Conference, and deposited with the President, as required by this section of our By-laws.

The motion was seconded and carried.

The Conference then resolved itself into Committee of the Whole for the purpose of resuming the consideration of the Fourth Tentative Draft of the Bills of Lading Act, with George Whitelock, of Maryland, in the Chair.

*(The details of the discussion in Committee of the Whole are omitted.)*

The Committee of the Whole then rose, and reported to the Conference that it was still engaged in the consideration of the proposed Bills of Lading Act, and asked and received leave to sit again.

The President:

The Executive Committee has arranged with Mr. John H. Johnson, of Detroit,—a gentleman prominent in the American Bankers' Association, and who is and has been very much interested in the subject of a Uniform Bill of Lading Act,—to come before us, and I take pleasure in presenting to the Conference John H. Johnson, President of the Peninsular Savings Bank of Detroit.

John H. Johnson, of Detroit, Michigan:

Mr. President and Gentlemen: This is an age of standardizing and specializing, very marked both in the mechanical and in the professional world, and no feature is more prominent at the moment than the disinterested and unselfish efforts of the legal fraternity to bring about uniformity in the common laws of this country.

It is useless to tell you of the splendid results brought about



by your Commission. I am here, instead, in behalf of your most powerful ally, The American Bankers' Association, to greet you most heartily. I take it for granted that you know of our assistance in bringing about the almost general enactment of that law so vital to us and to the business world—the Uniform Negotiable Instruments Law—and, as an evidence that we, too, are alive to the situation and are doing our part, let me mention that our Standing Law Committee is practically in continuous session, and, since its creation only a few years ago, has already brought about the enactment in some states of uniform laws on such vital subjects as uniform bills of lading, uniform warehouse receipts, uniform laws as to false statements, as to forged, raised and worthless checks, burglary with explosives, payment of deposits in two names, payment of deposits in trust, competency of bank notaries, and other minor subjects. In urging these bills, our committee has made it a point to see that they are passed if possible without amendment or alteration, so that their uniformity may not be destroyed, and through the machinery of a well-conducted bureau in charge of our counsel, Mr. Paton, of New York, we are ever on the alert to bring about and pass all of these measures in all of the states. Your Secretary, Mr. Charles Thaddeus Terry, has been of very great assistance to us in our work. It is a tedious task, but persistency and right will ultimately win, and much good will result, and I know that at all times we will not only have the good-will but the earnest assistance of every member of your Commission.

The Savings Bank Section of the American Bankers' Association, of which I have the honor to be the Executive, is engaged in a work which I feel is second to none that you have undertaken. At a recent meeting of the Law Committee of that Section, which is working in entire harmony with the Standing Law Committee of the parent body, and at which representatives of all different types of banking were present, a resolution was adopted expressing the opinion that the savings deposits of this country have reached such large proportions, and their care is so vital to the prosperity of the country as a whole, that we

deemed it indispensable that "such deposits be segregated and their investment safeguarded." Carefully prepared figures show the savings deposits in the United States to be over \$5,560,000,000, of which about one-quarter is in banks and trust companies with practically no restrictions whatever, and while we realize that you cannot make a man honest or competent by legislation, yet we know that the restrictions and safeguards so applied do much to guide the inexperienced and to safeguard the deposit.

With this in mind, we are now at work in the preparation of a skeleton law with cardinal principles towards which we hope to bring a reasonable uniformity in the various states; a large task, since we found, when we started two years ago, eighteen states with no savings bank laws whatever, a few with indifferent laws, but no departments to enforce them, and in the others a splendid law in one state, and indifferent or defective ones in the states adjoining. This is being remedied rapidly, and I am pleased to say, as far as Michigan is concerned, our legislative paths have been of roses, our solons clearly recognizing that our efforts were wholly unselfish, and tending towards the betterment of conditions and of the people.

I am so enthusiastic on this subject that I could quote figures and make pertinent comments almost without limit, but I know that you are busy men, and seek not advice, but rather support in enacting your splendid measures. In behalf of our association I promise you all that twelve thousand earnest and efficient workers, together with their many friends, can give you, and I know, without your promising, that when you recognize in our measures, as I think you will in all of them, acts for the common good, you will join with us, and help us bring them about.

The Conference then resolved itself into Committee of the Whole, with J. R. Thornton, of Louisiana, in the Chair.

*(The details of the discussion in Committee of the Whole are omitted.)*

The Committee of the Whole then rose, reported progress, and received leave to sit again.

A recess was then taken until 2.30 o'clock P. M.

AFTERNOON SESSION.

The President in the Chair.

On motion, the Conference resolved itself into Committee of the Whole for the purpose of resuming consideration of the Bills of Lading Act, with C. P. Black, of Michigan, in the Chair.

*(The details of the discussion in Committee of the Whole are omitted.)*

The Committee of the Whole then rose, and reported progress, and received leave to sit again.

The President:

It is proper to call the attention of the Conference to the condition of business before us. As I understand it, a report was read from the committee of which Mr. Richberg is Chairman, and its recommendations were laid on the table for future consideration. Will Mr. Richberg state for the information of the Chair and the members of the Conference what those recommendations were?

John C. Richberg, of Illinois:

They were in substance precisely the same as the Conference voted upon last year,—to draw a tentative draft for a uniform incorporation law. That the committee has done, and the report has been presented.

The President:

The Committee on Insurance Law presented its report yesterday, and that report, I believe, is on the table. Professor Freund, of Illinois, calls the attention of the Chair to a proposed amendment of the By-laws that he wishes to submit. Then the Executive Committee have directed that the report of the Committee on Marriage and Divorce be taken up when the work of the Commercial Law Committee is disposed of. As I have the honor of being Chairman of that committee, I will ask the Vice-President to take the Chair.

Vice-President Peter W. Meldrim took the Chair.

Walter George Smith, of Pennsylvania, then presented the report of the Committee on Marriage and Divorce, and at his

request the consideration of the report was postponed until Monday morning, August 23.

The President then resumed the Chair.

The report of the Insurance Committee was then made the special order for Monday, August 23, immediately following the disposition of the report of the Committee on Marriage and Divorce.

H. R. Bailey, of Massachusetts:

The Commissioners from Massachusetts desire at this time to present the following:

WHEREAS, It seems desirable that as far as possible there should be uniform legislation in all the states to regulate the employment of child labor,

*Be it Resolved*, That a special committee of five be appointed by the President to consider, and to report at the next Annual Conference as to the advisability of preparing a Uniform Child Labor Act, to be recommended for adoption in the several states.

W. O. Hart, of Louisiana:

I second the adoption of that resolution.

Ernst Freund, of Illinois:

I think such a special committee might consider at the same time the subject of labor in general, as well as the subject of child labor in particular.

The President:

Do you move that as an amendment to Mr. Bailey's motion?

Ernst Freund, of Illinois:

Yes, sir.

The Chairman:

Does Mr. Bailey accept the amendment?

H. R. Bailey, of Massachusetts:

No, sir; because I think we should consider these subjects one at a time.

W. O. Hart, of Louisiana:

I might state that we had a Child Labor Convention in New Orleans in March. Two hundred and fifty delegates were present, and a permanent organization was effected with the Governor of Louisiana as President. If we adopt the resolution

offered by the gentleman from Massachusetts, it means that we cannot do anything until 1911, because his resolution is that the committee report at the next Conference. I do not see why we should lose all that time, and I would, therefore, amend his motion by providing that the special committee report on Monday morning whether or not it is advisable that the Conference should take up this subject.

The amendment was accepted, and the resolution carried.

The Chair appointed as the members of the committee, H. R. Bailey, of Massachusetts; Amasa M. Eaton, of Rhode Island; Charles Thaddeus Terry, of New York; William H. Staake, of Pennsylvania, and W. O. Hart, of Louisiana.

Ernst Freund, of Illinois:

I desire to offer the following resolution:

WHEREAS, It is desirable that uniformity of legislation between the states should extend to the form as well as the substance of statutes, and whereas it is an important step for securing such uniformity that the various measures approved and recommended by this Conference should be harmonious and consistent with each other in point of arrangement, style and terminology, therefore

*Be it Resolved*, That a standing committee be created whose function it shall be to examine the measures advocated by this Conference, and make such suggestions as will tend to produce uniformity and harmony in their arrangement; and

*Be it further Resolved*, That the Constitution be amended in Section 2 of Article III by providing as one of the standing committees a new committee to be known as the Committee on Style.

The resolution was seconded, and referred to the Executive Committee with a request that they report upon it on Monday, August 23.

John C. Richberg, of Illinois:

In view of the fact that the digest of corporation laws has not been printed, I desire to offer the following resolution:

*Resolved*, That the Committee on Uniform Incorporation Law print the report and draft of the act and digest herewith submitted, mail copies thereof to the members of the Con-

ference and to others, and that such draft be considered and action taken thereon at the next annual meeting of the Commissioners.

The resolution was seconded, and carried.

The report of the Insurance Committee was then taken up by the Conference.

Charles F. Libby, of Maine:

I will not read the report again, as it has already been presented. I will say that so far as the first bill is concerned, the committee recommends its passage. So far as concerns the second bill, which undertakes to require an apportionment of deferred dividend policies, we call attention to the fact that the bill not only would be burdensome to the insurance companies, but is full of ambiguities. The attitude of the committee toward this bill is that the evil consists in permitting the issuance of deferred dividend policies. They have been prohibited in New York and in four or five other states. The committee has recommended, therefore, that this second bill be not adopted.

Ralph W. Breckenridge, of Nebraska:

I have the honor to be Chairman of the Committee of Insurance of the American Bar Association, and I am naturally interested in the fate of the measure prepared by that committee, reported to the Association, and approved by the Association, and referred to this Conference of Commissioners.

I may say that when the Armstrong Committee finished its investigation in New York, certain bills were recommended by the committee, and afterwards passed by the legislature of New York. Among those bills was one requiring companies doing business in that state to cease issuing deferred dividend policies. As Mr. Libby has stated, a number of other states have passed similar bills. It was stated that the accumulation of the surplus and the unauthorized use of that accumulation was responsible for much of the evil exposed in the Armstrong investigation. At the meeting of the American Bar Association at Portland, Maine, a recommendation was made by our committee that a bill which should make an apportionment of the surplus on de-

ferred dividend policies should be recommended; but several of the life insurance companies, through Congressman Littlefield, who said that he came as a director of the Equitable Life Insurance Company, and James M. Beck, who came openly declaring himself to be the special counsel of the Mutual Life Insurance Company, argued that the proposed bill would invalidate contracts then existing, and, therefore, there would be a question of its constitutionality as applied to existing policies. Thereupon the recommendation of the committee was tabled. But the committee repeated the recommendation the following year, applying the bill that was drawn only to policies which should thereafter be issued. There are many companies besides the Big Four,—meaning the New York Life, the Equitable, the Mutual Life and the Metropolitan or the Prudential or the Northwestern as the fourth,—that issue policies with deferred dividends. That is the most expensive insurance a man can buy, and it is the most profitable to the companies, because it gives them a fund which they can handle as they please, and they have never treated deferred dividends as liabilities.

Charles F. Libby, of Maine:

The Mutual Life has always treated them as liabilities.

Ralph W. Breckenridge, of Nebraska:

Possibly the Mutual Life has, and I stand corrected as to that company; but the Equitable and the other companies have not. I think the evil is now corrected as far as the big companies are concerned, because they are prohibited from issuing any more such policies.

Charles F. Libby, of Maine:

I move that this report be laid upon the table, be printed and distributed to the members of the Conference, and that its consideration be postponed until the next meeting, and that the Secretary of the Conference be directed to send copies of the report to the more important insurance companies, and to the several state insurance commissioners, inviting them to discuss the subject.

The motion was seconded and carried.

The President:

I now beg to announce as the appointive members of the Executive Committee the following:

William H. Staake, of Pennsylvania, Chairman.

Charles F. Libby, of Maine.

Hiram Glass, of Texas.

Charles W. Smith, of Kansas.

John Fletcher, of Arkansas.

*Ex-officio*: The President, the Vice-President, the Treasurer, the Secretary, and ex-President Amasa M. Eaton.

The Treasurer has requested me to give him an opportunity to address the Conference on the subject of the finances of the Conference.

Talcott H. Russell, of Connecticut:

In reference to the state of the treasury, practically all the work of this Commission has been carried on, with the exception of an appropriation of \$500 from the American Bar Association, by the contributions of three or four states: New York, \$500; Connecticut, \$500; Pennsylvania, \$250; Rhode Island, \$100, and the Commissioners of New Jersey at one time appropriated \$100 out of their own pockets.

That has left the treasury in a somewhat cramped condition. We have been able to carry on the work thus far, but in the future some more expensive work must be done, and I hope the members of the Conference will urge upon their states the necessity of appropriating a sum of money for our work.

William H. Staake, of Pennsylvania:

I would state that Pennsylvania appropriated a sum sufficient to pay the expenses of the Commissioners, and, in addition, provided that the Commissioners may draw upon that appropriation for a reasonable proportion of the expenses of any Conference in which even one of its members has participated. It has been the practice since 1901 for us to draw \$300 or \$200 annually, so that we have contributed an average of \$250 a year. In addition to that, we have contributed many hundreds of dollars in the way of printing, postage, etc. A bill of



eight dollars and some cents is the first bill that was ever presented to the Treasurer of this Conference by the Pennsylvania Commissioners for any expense incurred in connection with attending meetings of the Executive Committee or other committees since 1901.

Talcott H. Russell, of Connecticut:

There is one item which I did not mention. The By-laws provide that the traveling expenses of the committees in attending meetings must be paid, and, of course, that is an item that will have to be looked after in the future.

R. W. Williams, of Florida:

Perhaps the notices sent out to the Governors of the various states are not properly understood. In Florida we have a new Governor, and recently I received a communication from him stating that he had been advised of this meeting to be held in Detroit, and had been asked to appoint delegates, and asking me about it. Clearly he did not understand that this was a Conference of Commissioners on Uniform State Laws, and that the Commissioners were already standing Commissioners of the state.

William H. Staake, of Pennsylvania:

It has been the custom of the Executive Committee to write to each Governor asking him to call the attention of the Commissioners from his state to the meeting of the Commissioners, and to urge their attendance at the Conference, and also requesting that any vacancies by death, resignation or otherwise be filled.

W. O. Hart, of Louisiana:

I would suggest that hereafter when letters are sent out to the Governors of the different states, the names of the Commissioners representing those states be stated in the communications.

The Conference then adjourned until Monday, August 23, 1909, at 10 A. M.

## FOURTH DAY.

*Monday, August 23, 1909, 10 A. M.*

The President in the Chair.

William H. Staake, of Pennsylvania:

Before proceeding with the regular order of business, it is my pleasure to announce the presence of His Honor, Mayor Reitmayer, who has expressed his desire to officially meet the Commissioners.

The President:

Mayor Reitmayer, I am very glad to greet you on behalf of the Commissioners. Gentlemen of the Conference, I have the honor to present the Mayor of Detroit.

Mayor Reitmayer:

Mr. President and Gentlemen: I regret very much that owing to absence from the city, I did not have the opportunity to bid you welcome to Detroit at your first session. We pride ourselves a great deal upon having a convention city, and one of the duties of the Mayor is to welcome guests when they arrive. I am very glad to be here today to extend that welcome as long as you may remain. I hope you have had a profitable meeting thus far, and that when your sessions shall have closed you will be well satisfied that you came to Detroit. It is only within ten years that the city of Detroit has made its great growth. Ten years ago we had only about half the number of people that we have today. We have grown most in the last five years. The automobile industry has been largely responsible for that. Detroit is endeavoring now to stop some of the tonnage that passes here every day; we are going to try and manufacture steel; and when you come to Detroit again, you will probably find it a large steel-producing city. It has been a standing joke that all this immense tonnage passes by the city of Detroit, and Detroit does not get any of it, and now we are going to work in earnest and try to get a good share.

I am not in a position to discuss the great good that I know this Conference is doing, but I realize that the securing of

uniform laws in the various states of the union is one of the most important objects to which men can give their thought and attention.

In conclusion, gentlemen, if there is anything that Detroit has failed to do that you want done, there is still time to ask the Mayor for it.

The President:

Mr. Mayor, on behalf of the Commissioners, let me say that fourteen years ago, when we met in this city, we went away with our hearts warmed with the hospitality of Detroit, and we feel already that Detroit's hospitality has been emphasized on this occasion. We shall look forward to another meeting in this city in the future, when we hope that all the evidences of prosperity that we see about us now will be increased threefold.

Since Saturday I have had an opportunity to prepare the lists of committees for the ensuing year.

*(See List of Committees preceding these Minutes, page 989.)*

The President:

Are there any special committees that have any reports to make this morning?

H. R. Bailey, of Massachusetts:

The special committee appointed to consider and report as to the advisability of some legislation on the question of child labor beg leave to report as follows:

We report that it is advisable that a special committee of five be appointed by the President, with authority to draft and present to the next Conference an act to make uniform the law relating to child labor.

The report was adopted.

William H. Staake, of Pennsylvania:

Some years ago I remember reading an address in which it was incidentally stated that some offenses were punished as capital crimes in one state and by a fine in another state. All of our fellow Commissioners are undoubtedly aware of the recent conference in Chicago upon the subject of criminal law and criminology. Our former fellow Commissioner, Roscoe Pound,

of Nebraska, took a very active part in that conference, and one of our present Commissioners, Professor Wigmore, of Illinois, is very much interested in the work, and I ask that he be requested to say a word in regard to that subject, and the possible appointment of some committee by which this Conference may be in touch with the many distinguished men who are working along the lines of uniformity and sanity in connection with that subject.

The President:

The Chair will be very glad to hear from Professor Wigmore on this subject.

John H. Wigmore, of Illinois:

I desire to make a motion that a committee of three be appointed to co-operate with the American Institute of Criminal Law and Criminology on matters affecting penal law, and report upon the advisability of the appointment of a permanent standing committee of this Conference for future co-operation.

I venture to offer this motion now simply because the Committee on Vital and Penal Statistics have the matter in charge through Mr. McPherson and myself. The Institute, which expects to formulate certain measures that seem to be desirable, will then be in a position to place those measures before a standing committee of this Conference and a standing committee of the American Bar Association, so that any active work towards legislation that may then seem desirable can come before both bodies. The Institute rather hesitates to embark upon active legislative work, but prefers to confine its efforts to scientific investigation and impersonal work of this kind.

Amasa M. Eaton, of Rhode Island:

I second that motion.

Talcott H. Russell, of Connecticut:

I do not know that I wish to oppose the motion, but I think it very important that this Conference should recognize that its work is intended to be only in the line of uniform laws; that is, in the direction of making the laws in the different states uniform where it is necessary that they be uniform. When it

comes to the question of a criminal law, that, it seems to me, must be adapted to the conditions of each particular state. We are not here for the purpose of sociological or criminal reform, except in so far as that may be incidental to our work of securing the uniformity of the laws of the various states.

The President:

The Chair understands the motion of Professor Wigmore to be identical with the thought of Mr. Russell, to wit: That the subject be examined by a special committee for the purpose of ascertaining whether it is within the province of this Conference to have a committee named to act in conjunction with the Institute.

The motion was carried.

The President:

When we adjourned on Saturday we had just risen from Committee of the Whole. A motion will now be entertained to go into Committee of the Whole again, for further consideration of the Bills of Lading Act.

The Conference then resolved itself into Committee of the Whole, with Henry H. Ingersoll, of Tennessee, in the Chair.

*(The details of the discussion in Committee of the Whole are omitted.)*

The Committee of the Whole then rose, and reported to the Conference its concurrence in the Draft of an Act to Make Uniform the Law of Bills of Lading, as amended and reported by the Committee on Commercial Law.

On motion, the report of the Committee of the Whole was accepted, and the draft of the said act was approved.

Francis B. James, of Ohio:

I now move that the legislatures of the several states be requested and urged to enact this measure into law, and that the Committee on Commercial Law, in conjunction with Professor Williston, have authority to correct any verbal inaccuracies therein.

The motion was seconded.

F. M. Burdick, of New York:

I have refrained from discussing at any length the various sections of this act as they arose in Committee of the Whole, because it seemed perfectly clear to me that the majority of the Commissioners were in favor of the act as reported; but I do feel, as I suppose a jurymen feels who finds himself associated with eleven obstinate companions, that I should state briefly some of the reasons for my inability to agree in the final recommendation of this act.

In the first place, various sections have been under consideration, and one of them—Section 10, I believe—was argued at length, and, finally, an amendment to it was made that was acquiesced in. It did not seem to me that that was quite voluntary; it appeared to me that it was a sort of a forced acquiescence; and other sections have been argued and amended, and, finally, acquiesced in in a similar manner. As was said the other day, the great object of this Conference is to enact uniform laws. If there is a section that is open to the serious objections which were stated in regard to Section 10, the mere fact that the majority of this body acquiesced in it will not be very persuasive upon the legislatures to whom the act shall be hereafter presented.

In discussing another section, one distinguished gentleman remarked that we ought not to tie ourselves up to an obsolete law, and the Chairman of the Committee on Commercial Law, as I understood him, based his principal argument in favor of the section upon the fact that the committee had received new light since two years ago. Surely, we ought to have notes appended to the statute reading like this: "Obsolete!" "New light!" What will the legislatures say to us when we go to them and declare: "We are the recipients of so much new light that in two years the work which we commended as the very best product of the Commissioners on uniform laws is already obsolete. We are the chosen recipients of so great a flood of new light, that in two years we wish to do away with that document and adopt a new one!" Will it not be said to us: "If you are the recipients of so much new light now,

had we not better wait a few years longer before we adopt any of your proposed codifications?"

Francis B. James, of Ohio:

I would be ashamed to go before any legislative body and present the Bills of Lading Act, and if they asked me whether this was the best thought of the time, say, "No, it is not, but this is the condition of stagnation that existed two years ago."

I stand by the report of the Committee on Commercial Law, that the book "Williston on Sales" is the best work yet presented upon the subject of sales. Why does not the gentleman read the context of the language used by Professor Williston? In speaking directly upon this point Professor Williston has said, and it could not be said better:

"It may be said of the mercantile theory, as distinguished from the common law view, that it is based upon the analogy between bills of lading and similar documents and bills of exchange, . . . and the satisfactory development of the law is impossible without a recognition of the law of the validity of mercantile customs."

In that connection I want to add what the Supreme Court of the United States has said upon the development of the Law Merchant. Mr. Justice Grier, speaking for the court in *Mercer County vs. Hackett*, said:

"Usage of trade and commerce are acknowledged by courts as part of the common law, although they may have been unknown to Bracton or Blackstone. And this malleability to suit the necessities and usages of the mercantile and commercial world is one of the most valuable characteristics of the common law."

The President:

The question is upon the motion of the Chairman of the Committee on Commercial Law that the draft of the Bills of Lading Act, as amended by the committee and approved by the Committee of the Whole, be recommended for adoption by the legislatures of the several states, and that the Committee on Commercial Law, in conjunction with Professor Williston, have power to correct any verbal inaccuracies therein.

The motion was carried by a vote of twenty-six ayes to one nay.

The President:

I will appoint the Committee on Child Labor Law, as follows: H. R. Bailey, of Massachusetts, Chairman; Amasa M. Eaton, of Rhode Island; Nathan W. MacChesney, of Illinois; Fremont Wood, of Idaho, and A. T. Stovall, of Mississippi.

I will appoint as the Special Committee of three proposed by Mr. Wigmore: John H. Wigmore, of Illinois, Chairman; Talcott H. Russell, of Connecticut, and John D. Lawson, of Missouri.

The next order of business will be the consideration of the Report of the Committee on Marriage and Divorce, and I ask the Vice-President to take the Chair in order that I may perform my duties as Chairman of that committee.

Vice-President Peter W. Meldrim took the Chair.

Walter George Smith, of Pennsylvania:

I move that the Conference go into Committee of the Whole for consideration of the First Tentative Draft submitted by the Committee on Marriage and Divorce entitled "An Act Relating to Family Desertion and Non-Support."

The motion was seconded and carried, and the Conference then went into Committee of the Whole, with Charles A. Potter, of Wyoming, in the Chair.

*(The details of the discussion in Committee of the Whole are omitted.)*

The Committee of the Whole then rose and reported progress, and asked and received leave to sit again.

A recess was then taken until 2.30 P. M.

#### AFTERNOON SESSION.

The President in the Chair.

R. W. Williams, of Florida:

Mr. President, I desire to present the report of the Auditing Committee.

The Report of the Auditing Committee was then read, accepted and placed on file, and the Report of the Treasurer thereupon approved.



Charles Thaddeus Terry, of New York:

On behalf of the Executive Committee, I desire to report, on the subject referred to it under the motion of Mr. Freund, that it reports adversely on the recommendation for the establishment of a Committee on Style, having in mind that perhaps at some later time the question may again be considered; but at present the committee deems it not advisable to adopt the suggestion.

On motion, the report was accepted and approved.

The Conference then resolved itself into Committee of the Whole for the purpose of resuming consideration of the Report of the Committee on Divorce, with Fremont Wood, of Idaho, in the Chair.

*(The details of the discussion in Committee of the Whole are omitted.)*

The Committee of the Whole then rose, and the President of the Conference resumed the Chair.

Fremont Wood, of Idaho:

The Committee of the Whole having had under consideration the First Tentative Draft of an Act Relating to Family Desertion and Non-Support, have suggested certain amendments thereto, and recommend that it be recommitted to the committee for further consideration.

On motion, the report of the Committee of the Whole was accepted, and its recommendation adopted.

The Conference again resolved itself into Committee of the Whole for the purpose of considering the First Tentative Draft of an Act Relating to Marriages and Licenses to Marry, with H. R. Bailey, of Massachusetts, in the Chair.

*(The details of the discussion in Committee of the Whole are omitted.)*

The Committee of the Whole then rose, and the President of the Conference resumed the Chair.

H. R. Bailey, of Massachusetts:

The Committee of the Whole have proceeded as far as they could at this time in the consideration of the proposed Uniform Marriage Bill. They report progress, and ask leave to be ex-

cused from proceeding further, and that the matter be referred to the new committee for further action, with the information to be gained from the discussion that we have had here, and also for their guidance, the fact that it was the sense of the Commissioners, as last voted in Committee of the Whole, that the new committee on the subject prepare a tentative draft to be considered next year.

The report was accepted and reference made accordingly.

The President:

Gentlemen, what is the next business of order?

Francis B. James, of Ohio:

The Committee on Commercial Law suggests the addition of two brief sections to the Sales Act. By some inadvertence, which seemed to escape the attention of everybody, that act fails to contain a provision that it should not apply to sales which took place before the act took effect. The Sales Act contains Section 4, pertaining to fraud. We recommend this addition:

“Section 80. The act does not apply to existing sales or contracts to sell. None of the provisions of this act shall apply to sales or contracts to sell made prior to the taking effect thereof.”

I move that the Sales Act be supplemented by the addition of this section.

The motion was seconded and carried.

Francis B. James, of Ohio:

The suggestion was made, and it is a proper one, that if a state should, say, this year, pass the Warehouse Receipts Act, and should this year pass the Bills of Lading Act, and the Sales Act should be passed next year, then, because of the comprehensive definition contained in the Sales Act, it might create some confusion as to the Bills of Lading Act and the Warehouse Receipts Act. That confusion could not arise, however, if the Sales Act were passed first and the Bills of Lading Act and the Warehouse Receipts Act were passed afterwards. Therefore, to avoid that possible difficulty, as a precautionary section in those states which might pass the Bills of Lading Act first, the Committee on Commercial Law has suggested the following section:

"Section 81. This Act shall not be construed to repeal or limit any of the provisions in the Act to Make Uniform the Law of Warehouse Receipts or the Act to Make Uniform the Law of Bills of Lading."

I move the adoption of this section.

The motion was seconded and carried.

Francis B. James, of Ohio:

I move that all matters contained in the report of the Committee on Commercial Law that are undisposed of be recommitted to the committee; also that the committee be authorized to attend the conference in Chicago on September 13 in reference to Forms of Bills of Lading, and that the committee report thereupon to the next meeting of this body.

The motion was seconded and carried.

On motion, the Secretary of the Conference was directed to express the thanks of the Commissioners to the proper authorities for the use of the room occupied by the Commissioners during this meeting.

Talcott H. Russell, of Connecticut:

I rise to a matter of personal privilege. In my remarks respecting the contribution of various states, I inadvertently did an injustice to New Jersey. The State of New Jersey contributed \$500 in aid of the Negotiable Instruments Law; but that sum was contributed before I became the Treasurer of the Commission, and, therefore, I neglected to mention it.

J. R. Thornton, of Louisiana:

I do not know whether it is known to the members of the committee which has been appointed today on child labor, but there is an organization in the United States known as the National Child Labor Committee, which has been working for many years along the line that you now propose to work. I am a member of that committee, and I would suggest to the committee appointed today that it get in correspondence with that National Committee on Child Labor.

On motion, the Conference adjourned, subject to the call of the Chair.

CHARLES THADDEUS TERRY,  
*Secretary.*

## ADDRESS OF THE PRESIDENT.

### ATTITUDE OF THE BENCH AND BAR TOWARDS THE NEGOTIABLE INSTRUMENTS LAW.

BY

AMASA M. EATON,  
OF PROVIDENCE, RHODE ISLAND.

#### *Fellow Members of the Conference:*

The subject of uniform state legislation has become of greater importance than ever during the last year and is in the air all over the United States. As the result of the National Conference on the Conservation of our Natural Resources, there must follow uniform state legislation, else the conclusions reached by that conference cannot be carried into effect. At the instance of Governor Guild, of Massachusetts, a conference of the Governors of the New England states, with other delegates, some of whom were members of this conference, met in Boston last November to consider the subjects of forestry, shell fisheries and automobiles, all subjects calling for uniform state legislation. If no apparent result has come from that conference, it is only because there was no disposition shown to entrust the drafting of the uniform laws, admittedly needed, to those competent to draft them, so the conference resulted in nothing but talk.

A conference of the governors of New York and adjoining states has met in New York city to consider a uniform automobile law.

Judging by recent rapid advances in the art of flying, it may be confidently predicted that the time is not far distant when uniform laws on aviation will be called for. Indeed, the time has already come when uniform state and national legislation is needed to regulate wireless telegraphy.

A National Divorce Congress called by Governor Penny-

packer, under authority of the legislature of Pennsylvania and by the governors of other states, acting likewise under authority of their respective legislatures or constitutions, has framed a uniform divorce law that has been endorsed by this conference, has been adopted in its entirety in New Jersey, Delaware and Wisconsin, and has been adopted in part in several other states. Its adoption in all the states would do away with the disgraceful fact that under our present discordant laws, decisions of the courts and lack of system, a man may be married in one state and not married in another state, or may have a different wife in different states, and yet not be guilty of bigamy, thus enabling foreigners to point the finger of scorn at our inability to agree upon uniform laws that will put an end to such a disgraceful condition.

All over the union efforts are being made to secure better child labor laws, and the necessity grows for making them uniform, at least in certain sections of our country, for the stock argument everywhere against such laws, even when their necessity is admitted, is that the particular state in which it is proposed to adopt the law, will be at a disadvantage, unless adjoining states also adopt the law. To remedy this, a Conference on Uniform Child Labor Laws in the southern states, was held in New Orleans last March, at the call, or invitation, of the Governor of Louisiana, at which the governors and delegates of those states were present. The result was a permanent organization with the Governor of Louisiana as chairman, and the executive committee of that organization is to draft a uniform child labor law and to submit it to the legislatures of the several southern states.

And now that powerful body, the National Civic Federation, has called a national conference to consider the promotion of uniform legislation by the states of the union, to be held in Washington, January 5, 6 and 7, 1910. President Taft has accepted an invitation to make the opening address. It is to be held with the stated aim of promoting fuller recognition of the work our conference is engaged in, to arouse popular sentiment in each state to support and promote the adoption of our uni-

form laws and to secure for us the cordial co-operation of agricultural, labor, manufacturing and other popular bodies, as well as to secure the appointment of commissioners in the few states—now only Delaware, Nevada and Wyoming—where there are none, with, let us hope, some proper modest appropriations to enable us to carry on the work we are engaged in.

Is it not evident that a new, general, popular effort or movement, acting through various agencies, without concerted action, is unconsciously reaching out, groping for the means to unify us in those directions where nationalization is manifestly needed?

This deep-seated necessity for uniform legislation is further evidenced by the proceedings at the annual meetings of the attorney-generals of the states, of the state insurance commissioners, of the state labor commissioners and of other bodies.

The appetite for uniform legislation is spreading even beyond the limits of the United States, for last year the Council of the English Institute of Bankers was approached by the English Board of Trade with a request for their opinion on the desirability and feasibility of an international arrangement for the unification of the laws relating to bills of exchange in different countries and, further, for a statement of the principal points in regard to which the council thought desirable that greater uniformity should be obtained. The council, after ascertaining the opinion of bankers throughout the country, and after having taken legal advice, drew up a memorandum which was duly submitted to the Board of Trade and later that body laid it before the Advisory Committee on Commercial Intelligence. This committee recommended that it be circulated among the leading commercial and trading associations, as affording a definite basis for discussion. This was done, and in January last the council laid before the members of the Institute of Bankers the text of this memorandum with the recommendations of the council. In brief, the council found that the Bills of Exchange Acts of 1882 and 1906 had worked well and that any fundamental alteration would not be acceptable to the bankers or the mercantile community of England. The council, in view of the

position occupied by bills of exchange as the universal medium for the settlement of debts arising from international trade, was of opinion that many existing differences could be adjusted by international agreement; that any attempt to establish complete uniformity would meet with insuperable difficulties; and therefore the chief object of an international conference would be to ascertain first the matters on which universal agreement appears feasible. The council divided their report into two parts: the first dealing with points on which unification is desirable, and the second part dealing with points upon which unification might well be attempted, but of a more controversial character, and which the council did not then feel they could recommend. As a basis for discussion the council took the Bremen Rules drawn up by the Association for the reform and codification of the laws of nations approved at a conference in 1878. A copy of these rules was appended and may be found in the Journal of the Institute of Bankers, Part I, Volume XXX, January, 1909, p. 1; and in Part III, Volume XXX, March, 1909, p. 133 there is a supplementary memorandum giving the opinion of the council on the rules adopted at the Budapest Conference of the International Law Association, September, 1908, which are based on the Bremen Rules.

In every sense of the word, we are members one of another, spiritually and materially as well. As Elihu Root said in 1906, when he was Secretary of State, in his address before the Pennsylvania Society, no state can live unto itself alone. Whatever benefits or hurts the interests of any one state of our union benefits or hurts the interests of all the other states. Therefore it is the duty of each state to frame and to enforce its laws and to administer its public business with reference, not only to its own welfare and social affairs, but also with reference to the effect its course will have upon its sister states. It is in the interest of the whole people of our beloved country, of the highest civilization and the development of the good of all, that we are seeking for uniformity of legislation in all matters concerning the common welfare. We are deeply grateful for the support and material assistance that has been liberally given us by the

American Bar Association. Indeed, we may claim to be the child of that Association. Now, however, the country at large should appreciate that as we hold our offices as commissioners on state laws by authority of acts of the states, when we recommend a uniform law for passage by our respective state legislatures, after its adoption by a vote of this conference, which vote is upon a roll call by states, we are acting as official representatives of the states in council. While of course we have no legislative power, our recommendation of an act for passage by our respective state legislatures (which so far has always been unanimous) entitles the act to the serious consideration of the legislatures, and when adopted by the respective legislatures, it is furthermore entitled to the serious consideration of the courts where cases arise under its provisions, not merely as the law of one state, but as a part of the policy of uniform legislation adopted by all the states that have passed the same law. It would, therefore, be a violation of this policy if amendments in a uniform law are to be adopted by any one state except with the approval of this conference and the adoption of the same amendment by the other states that have adopted the same uniform law. I regret to say that this theoretical possibility has become actual fact, for during the last year sundry amendments (whether important or unimportant, desirable or undesirable we need not now consider), have been offered to the Negotiable Instruments Law in at least two legislatures in states that have adopted this law. If any proposed amendment is undesirable or unimportant, all will agree that no legislature should adopt it. If, on the other hand, a suggested amendment is a desirable one, it should not be adopted in one state only, but it should be adopted in every state where the law is in force. It is useless to expect all these states to adopt the same amendment precisely, unless it comes to them from some source as an authority to which all will defer. This conference is the only body in existence of that kind, and therefore, before any legislature adopts an amendment to the Negotiable Instruments Law, it should obtain the opinion of this conference as to the advisability of the proposed amendment. When thus approved, this conference should also recom-



mend its adoption by the legislatures of all the states that have adopted the law. Unless this is done, the desired uniformity cannot be kept up.

There is a clause in the Constitution of the United States, the force and effect of which may be invoked in the cause of uniformity of legislation when the necessity for it becomes recognized. I refer to Article I, Section 10: "No state shall, without the consent of Congress, ——— enter into any agreement or compact with another state ———," the necessary implication being that with the consent of Congress, the states may enter into an agreement or compact with each other. The states can therefore agree with each other, Congress consenting thereto, that a uniform law adopted by them, shall not be amended unless an amendment proposed shall receive the approval of the Conference of Commissioners on Uniform State Laws and shall be adopted in all the states that have adopted the uniform law it is proposed to amend. If amendments are to be lightly undertaken and adopted, separately, without concurrent action, in any one of the states that have adopted a uniform law, uniformity is at once ended. The plan suggested would prevent this, but the necessity for this course has not yet become manifest enough to arouse a public sentiment that would demand it. If it ever should, it may be adopted.

The Negotiable Instruments Law has been in force during the last twelve years in a steadily increasing number of states, until it has now been adopted in thirty-eight states, territories and the District of Columbia. At the close of my term of office as your President it has seemed to me that a fit time has come to examine the operation of this law, and how it has been treated by the courts of the states that have adopted it, with such reflections, suggestions and recommendations as this examination may suggest, premising, however, that in the brief time at our command now, I must treat the subject generally, without examining more than one section of the act and the cases under it, out of the five hundred cases or so that have arisen in the courts of the states that have adopted the act and of which, from year to year, as they have been decided, I have given you summaries in my annual addresses.

Upon a broad survey of all these decisions, they may be divided into two classes. The first class consists of those cases in which, remembering that the act, as expressly stated, is intended "To promote uniformity of legislation among the states of the union," the courts favor a liberal construction of the provisions of the act, looking for light to the decisions in the courts of other states under the same section of the same law, with a view to uniformity in the decisions, even though this may change the old rule in their own states.

The second class consists of those cases in which the courts, in spite of the stated object of the act, construe the particular section under which the case before them arises, in favor of the law as found in the decisions in their own state before it adopted this law, and without examination of the decisions in other states, in cases arising under the same section. For specific instances of the first class I refer to *Brewster vs. Schrader*, 26 Misc. 480, N. Y. 1899; *Payne vs. Zell*, 98 Va. 294, 1900, both of which we will examine soon.

*Wirt vs. Stubblefield*, 17 App. Cases 283, Dist. of Col. 1900, at p. 287, speaking of the N. I. L.:

"We know the origin and history of the act of Congress. We know it is largely derived in its form and provisions from the English act on the subject; and we know, moreover, that the great and leading object of the act, not only with Congress, but with the large number of the principal commercial states of the union that have adopted it, has been to establish a uniform system of law to govern negotiable instruments, wherever they might circulate or be negotiated. It was not only uniformity of rules and principles that was designed, but to embody in a codified form as fully as possible, all the law upon the subject, to avoid conflict of decisions, and the effect of mere local laws and usages that have heretofore prevailed. . . ."

*Baltimore & Ohio R. R. Co. vs. First Nat. Bank*, 102 Va. 753, 1904:

"This opinion might be greatly prolonged by citation of conflicting cases and a discussion of the discordant views entertained by courts and text writers of the greatest ability upon these subjects, but the object, as we understand it, of the codification of the law with respect to negotiable instruments was to relieve the courts of this duty and to render certain and unam-

biguous that which theretofore had been doubtful and obscure, so that the business of the commercial world largely transacted through the agency of negotiable paper, might be conducted in obedience to a written law emanating from a source whose authority admits of no question."

*Trustees of Am. Bank vs. McComb*, 105 Va. 473, 1906, to be considered later.

*Vander Ploeg vs. Van Zunk*, 112 N. W. 807, at 810, Iowa, 1907:

"But we must take the Negotiable Instruments Act as it was written, and while the general purpose was to preserve the existing law so far as it was uniform, yet in many respects in which there was a conflict of doubt under the authorities, the language of the statute lays down rules not to be ignored simply because in some respects a change in the law is adopted."

In my annual address in 1906 I gave a summary of the case of *Rockfield vs. First Nat. Bank of Springfield*, 4 Ohio L. Rep. 290, May, 1906, holding that notwithstanding the provisions of the N. I. L., secs. 3173h, 3173i, 3173 k and 3174 g (*Crawford*, Ann. N. I. L., secs. 113, 114, 116, 160), one who puts his name on on the back of a negotiable instrument, not otherwise a party to it, is a maker or surety and not an endorser. I said then:

"It is impossible to follow with approval the reasoning by which the plain provisions of the N. I. L. are ignored, in order to follow what the law was in Ohio before the adoption of the N. I. L., to the sacrifice of the uniformity the law is intended to bring about. It is to be hoped the case will be appealed and reversed."

I am glad to be able to report that it has been carried by appeal to the Supreme Court and there reversed, 77 Ohio St. 311, Dec., 1907, in an opinion citing the opinions of other state courts under this same section, as in the interest of uniform legislation all decisions under the N. I. L. should, and stating:

"It is so much a matter of common knowledge as to make it proper to take judicial notice of the fact that the act herein considered was enacted because of an effort on the part of the Bar of many, if not all of the states of the union, to bring about a uniform system of law respecting negotiable instruments. In a substantial measure, the effort has been successful."

Columbian Banking Co. *vs.* Bowen, 114 N. W. 451, Wisc., 1908:

“Such statute (referring to the Negotiable Instruments Law) was enacted for the purpose of furnishing, in itself, a certain guide for the determination of all questions covered thereby, relating to commercial paper, and therefore, so far as it speaks without ambiguity as to any such questions, reference to case law as it existed prior to the enactment, is unnecessary and is liable to be misleading. The Negotiable Instruments Law is not merely a legislative codification of judicial rules previously existing in this state, making that written law which was before unwritten. It is so far as it goes, an incorporation into written law of the common law of the state, so to speak, the law merchant generally as recognized here, with such changes or modifications and additions as to make a system harmonizing, so far as practicable, with that prevailing in other states.”

First Nat. Bank of Shawano *vs.* Miller, 120 N. W. 820, at 821, Wis., 1909:

“When the Negotiable Instruments Law was enacted, a conflict of judicial authority on the subject in hand, and others, existed. In some states a clause similar to that here, was held to render the amount payable in the instrument uncertain, and to destroy its negotiability. In many other states, the obligation as to costs of collection was held to be contingent upon collection after dishonor, to appertain to the remedy for a breach of the primary contract, not to the debt itself, and therefore, not to render the amount uncertain, militating against negotiability. To supersede the conflict by a general rule, the provision of the negotiable instrument statute quoted, was incorporated therein.”

For specific instances of the second class of cases, I refer, in this connection, to the first opinion (in the court below) in *Rockfield vs. First Nat. Bank*, 8 Ohio C. C. (N. S.), 290, at 293, 1906:

“Some point was made of the fact that the title of the act reads: ‘To establish a law uniform with the laws of other states on negotiable instruments,’ and it is argued that that indicates in itself the intention to change the law on that subject; otherwise there would be no necessity for the act; and the implication is that the laws of Ohio are different from those of other states and this act is made to conform to them, thereby showing the legislative intent to change the law on this subject. That

argument would be quite forcible if it only applied to the subject of indorsement. Then perhaps there would be an indication that the legislature intended to change the law in Ohio on the subject of the liability of an indorser. But, in fact, it includes the whole field of the law of commercial paper; and while it does imply an intention to change the law in some respects and make it conform with that of other states, there is no indication where the change is to appear. There are pages and pages concerning commercial power, in all its phases: and we get no light from the title as to what is changed."

It is fortunate that the decision of the highest court in this state has now settled this matter correctly.

Yet three years before this, in the case of *McLean vs. Bryer*, 24 R. I. 599, 1903, the court had found no difficulty in deciding otherwise the point involved. But as the report of *Rockfield vs. First Nat. Bank* follows the imperfect method of reporting cases now in vogue, giving no indication of the points presented nor of the cases cited, on either side, we cannot tell whether this Rhode Island decision was placed before the court.

This disposition of some courts to follow prior decisions in their own states rather than the explicit provisions of the Negotiable Instruments Law is well illustrated by the language used in *Haddock vs. Haddock*, 118 App. 412, 1907, where the court says: "It should be strictly construed." I shall have occasion to cite later other decisions showing the same tendency.

There is a curious disposition on the part of many members of the Bar to look with a certain pride and satisfaction upon some peculiar doctrine or principle of law that has been adopted in the decisions of their own state, and to follow it, even when it runs counter to the better principle generally adopted in other states.

Judges of this disposition or temperament overlook the juristic conception of uniform state legislation as developing a new kind of common law—law common to all the states through concurrent decisions in different states upon the same statute, based upon study of the decisions with a view towards uniformity in the decisions as well as uniformity in the statute. These judges continue, unfortunately, to construe the provisions of the Nego-

negotiable Instruments Law strictly in favor of the pre-existing decisions in their own state, and sometimes, as I regret to say we shall find, without citing or even examining the decisions in other states, in cases arising under the same sections of the same law.

Illustrations of this unfortunate tendency may be found upon study of the cases under several of the sections of this law, and were time sufficient I should like to examine them all. But I must restrict myself to the examination of the cases under one section only of our law, and for this purpose I take section 51, declaring that "Value is any consideration sufficient to support a simple contract. An antecedent or pre-existing debt constitutes value, and is deemed such whether the instrument is payable on demand or at a future time."

An examination of the 26 cases that have so far arisen under this section will furnish abundant illustrations of both classes of cases that I have spoken of. We will subdivide these, and will examine first those cases that have been decided in New York. The first one, not only in New York, but the first that arose anywhere under this section, was the case of *Brewster vs. Schrader*, 26 Misc. 480, 1899. It was held that the holder of a negotiable promissory note, given as collateral security for the payment of an indebtedness of the maker to the plaintiff for goods previously sold and delivered, and due when the note was given, without any express agreement for an extension of time of payment, may enforce it against an indorser in fraud of whose rights it had been diverted from the purposes for which it was made. This superseded the rule laid down in *Coddington vs. Bay*, in 1822, which had been followed in the New York courts ever since then, but not in the federal courts nor in the state courts generally. The law in New York was therefore an exception to the law generally on this subject. To make my criticisms clear I must quote at length from this opinion from Werner, J. (p. 482) :

"The language of this section when given its usual and ordinary signification, ought to leave no room for doubt upon the subject. There is, however, such a universal disposition among

lawyers to look for some hidden or subtle meaning in the most simple language, that it has become quite the fashion to require the courts to construe statutes, which, to the average lay mind, seem to require no construction. If the language of the section under consideration were not obviously clear and unequivocal, and there were need of ascertaining the legislative intent in order to give proper effect to such language, the history of the subject, of the judicial decisions in England and the states of this country and of the proceedings of the commission on uniformity of laws, leave no possible doubt as to the purpose of this section.

“It is a fact known to every lawyer that the diversity of laws and judicial decisions which obtains in the several states of our union, is a source of great inconvenience in practice and a standing menace to the proper administration of justice. So apparent has this evil become that many of the states have taken steps to secure, if possible, a uniformity of those laws in which all have a common interest.

“Among the more important of these laws are those relating to negotiable instruments. Since 1822, when the case of *Coddington vs. Bay* was decided by our Court of Errors, the decisions of our courts have been at variance with those of the courts of England and of the United States upon the question whether a person receiving negotiable paper as security for an antecedent or pre-existing debt, but without notice of facts which would vitiate such paper as between the antecedent parties, is a holder for value. In this state the rule has been that such a holder is not a holder for value within the meaning applied to that term by the ‘Law Merchant.’ *Coddington vs. Bay*, supra, contains the leading exposition of the rule and has been followed in *Phenix Ins. Co. vs. Church*, 31 N. Y. 218; *Farrington vs. Frankfort Bank*, 24 Barb. 554; *United States Nat. Bank vs. Ewing*, 131 N. Y. 506; *Moore vs. Ryder*, 65 Id. 438; *Benjamin vs. Rogers*, 126 Id. 60, and many other cases.

“The difficulty of applying this rule to holders of negotiable paper acquired in the regular course of commercial dealings, has led to great confusion and many subtle refinements in the decisions of this state. These were sought to be removed by the decision in *Grocer’s Bank vs. Penfield*, 69 N. Y. 503, in which it was held that ‘Where a promissory note is made for the accommodation of the payee, but without restriction as to its use, an indorsee taking it in good faith as collateral security for an antecedent debt of the payee and indorser, without other consideration, occupies the position of a holder for value, and can



recover thereon against the maker. The precedent debt is a sufficient consideration for the transfer, and no new consideration need be shown.' 'It is only where the note has been diverted from the purpose for which it was intended by the payee, or where some other equity exists in favor of the maker, that it is necessary that the holder should have parted with value on the faith of the note, in order to enforce the same.' This was the law of this state down to the first day of October, 1897, and is the law today if the Negotiable Instruments Law has not changed the rule in reference to negotiable paper affected by fraud or equities between the original parties without the knowledge of the holder seeking to enforce the same. The courts of England and our federal courts have held that a *bona fide* holder of a negotiable instrument who takes the same in payment of, or as security for an antecedent debt, is a holder for a valuable consideration, entitled to protection against all the equities between antecedent parties. In *Railroad Co. vs. National Bank*, 102 U. S. 26, the Supreme Court of the United States, in an exhaustive opinion by Mr. Justice Harlan, squarely adopted the view that the taking of a note in payment of or as collateral security for, a pre-existing debt, constitutes the holder thereof a holder for value in the usual course of business. In the discussion of this proposition the court says: 'One of the grounds upon which some courts of high authority refuse, in such cases, to apply the rule announced in *Swift vs. Tyson*, 16 Peters, 1, is, that transactions of that kind are not in the usual and ordinary course of commercial dealings. But this objection is not sustained by the recognized usages of the commercial world, nor, as we think, by sound reason. The transfer of negotiable paper as security for antecedent debts constitutes a material and increasing portion of the commerce of the country. Such transactions have become very common in financial circles. They have grown out of the necessities of business, and in these days of great commercial activity, they contribute largely to the benefit and convenience both of debtors and creditors. . . .

"Another ground upon which some courts have refused to sanction the rule announced in *Swift vs. Tyson* is, that upon the transfer of negotiable paper merely as collateral security for an antecedent debt, nothing is surrendered by the indorsee—that to permit the equities between prior parties to prevail, deprives him of no right or advantage enjoyed at the time of transfer, imposes upon him no additional burdens, and subjects him to no additional inconveniences. This may be true in some, but it is not true in most cases, nor, in our opinion, is it ever true



when the note upon its delivery to the transferee, is in such form as to make him a party to the instrument and impose upon him the duties which, according to the commercial law, must be discharged by the holder of negotiable paper in order to fix liability upon the indorser.\*

"In 1882 the English Parliament passed 'An Act to Codify the Law Relating to Bills of Exchange, Cheques and Promissory Notes.' The language of section 27 of that act is in substance the same as that of said section 51 of the New York act. The English act contains the word 'liability' after the word 'debt,' but this does not alter the meaning of the section. In 1890 the legislature of this state passed 'An Act to provide for the appointment of commissioners for the promotion of uniformity of legislation in the United States.' (Chapter 205, Laws of 1890.) The duty of this commission was 'to examine the subjects of marriage and divorce, insolvency, the form of notarial certificates and other subjects,' to ascertain the best means to effect an assimilation and uniformity in the laws of the states, and especially whether it would be wise and practicable for the State of New York to invite other states of the union to send representatives to a convention to draft uniform laws to be submitted for the approval and adoption of the several states, and to devise and recommend such other course of action as shall best accom-

\* This reply to the objections urged, with all due respect to the learned court, it is submitted, is inadequate, because the common law notions of consideration, detriment, etc., so essential in the minds of lawyers to the existence of a common law contract, do not properly apply to bills and notes which are subject only to the rules of the law merchant, an entirely different juristic conception. We have no right to superimpose the juristic conceptions of the common law upon the juristic conceptions of the law merchant. It is unfortunate and a violation of true principle therefore, when we find that these common-law conceptions have been so superimposed upon the law merchant that they have almost become an integral part thereof. But looking at the matter from the point of view of the common law, one who takes a negotiable promissory note, even though only as security for an antecedent debt, although he may not have expressly bound himself to do so, does, nevertheless, delay action or remain more quiescent than he would have remained had he not received the additional note. In consideration of this new note he impliedly incurs a detriment by delaying or forbearing for some period of time, however brief and indeterminate, his existing right to proceed immediately to force payment of the antecedent debt.

plish the purpose.' In 1891 such commission made a report to the legislature. In 1895 a conference of commissioners from a large number of states was held in Detroit. At that conference the committee on commercial law was instructed to prepare a codification of the law of bills and notes. This committee in turn referred the matter to a sub-committee, the members of which employed Mr. John J. Crawford, of New York City, to draft the proposed law. The bill prepared by him has become a law in this state (Chapter 612, Laws of 1897), and the states of Connecticut, Colorado and Florida. The author of this law says, in his annotated publication of the same, that section 51 thereof was designed to change the rule laid down in *Coddington vs. Bay*, supra. James W. Eaton, Esq., instructor on the law of bills and notes in the Albany Law School, in his published edition of the New York law, in a note to section 51, says: 'It is to be inferred that the above statute extends the New York rule to include instruments given merely as collateral security.' It seems evident, therefore, from the history of this subject, as well as from the obvious purpose for which this statute was enacted, no less than from the language of the statute itself, that the New York rule, so called, has been modified so as to conform to the rule in England and in our federal court of last resort. We have discussed this question at such great length because we have been unable to find any reported case in which it has risen."

After this thorough, scholarly examination of the subject in the first case arising under this section of the new law, the obvious intention of which was to overrule *Coddington vs. Bay*, could any reasonable man anticipate that later cases in the same state would go back again to the old rule, in spite of the fact that other state courts, the federal courts and the law designed to bring uniformity into this important branch of commercial law, had all gone against the rule in *Coddington vs. Bay*? Yet note the result. In the courts of this one state fourteen decisions have already been rendered on the meaning of this one section, paying but little regard to the decisions meantime made in other state courts upon the same point—and still the meaning of this section is not yet settled in New York, although two cases have been carried to its Court of Appeals, its court of last resort!

Let us examine these decisions briefly:

*Petrie vs. Miller*, 57 App. Div. 17, 1901.

An antecedent non-negotiable note, surrendered upon the execution and delivery of a negotiable note, upon which suit is brought, is value, under sec. 51. This was affirmed, 173 N. Y. 596, 1903, without an opinion.

The next case in New York was *Mohlman vs. Kane*, 60 App. Div. 546, 1901.

The decision followed the construction placed on sec. 51 in *Brewster vs. Schrader*, 26 Misc. 480, 1899, but without citing it, holding that the acceptance of a note payable at a future date, for goods previously sold and delivered to the maker, operates as a forbearance of the right to sue the maker, until the maturity of the note, and constitutes a consideration for an indorsement of the note, made for the purpose of procuring its acceptance. It is therefore in accord with sec. 51, but not upon the point whether an antecedent debt is consideration for a promissory note taken as collateral security only.

Again, we must not forget that we are all the time hampered by the common law conception of *consideration*, which, however, is foreign to the law merchant concerning bills and notes. They may be looked upon by the adherents of the common law as being in the nature of specialties. The difficulty, however, is ingrained. See the excellent treatment of this subject in "The Law of Bills, Notes and Cheques," by Melville M. Bigelow, sec. 2, second edition and authorities cited.\*

\* "The exception, in the case of assumpsit upon a promissory note, is no real exception; as the theory of recovery here is similar to that of the action of covenant: the bill or note is really a specialty, and except in name, has always been treated as such by the courts. The practice of suing in assumpsit where the essence of the action is *consideration*, upon a bill or note, led to many attempts to assimilate a bill or note to an ordinary contract, with respect to consideration; attempts which only caused a confusion of ideas as to the real nature of this class of obligations. The plain truth is, that a bill or note is in the nature of a specialty; the defendant is liable, not because he has received a consideration, but because he has, by his act in executing and delivering the bill or note, declared himself to be liable, and the custom of merchants, in such case, holds him liable; no consideration need be alleged or proved."—"Principles of Common Law Pleading," John J. McKelvey, 1894, p. 23.

The next case in New York was that of *Sutherland vs. Mead*, 80 App. Div. 103, 1903, in which the court, consisting of five judges, reversed unanimously the decision in *Brewster vs. Schrader*, preferring to follow the old New York case of *Coddington vs. Bay*, 20 Johns 673, 1822, not citing *Payne vs. Zell*, 98 Va. 294, 1900, nor *Brooks vs. Sullivan*, 129 N. C. 190, 1901, the latter case holding not only that a pre-existing debt constitutes value for the transfer of negotiable paper, but further, that the transferee takes free from equities of which he had no notice. This is all the more remarkable as these were decisions of courts of last resort upon the same law and should have been determining and followed in a court of inferior jurisdiction, even if in another state, under this uniform law, unless a contrary decision were reached in the court of last resort of their own state. The failure of this court to grasp the real significance of our movement toward uniformity in state legislation, and that it means uniformity in decisions as well as uniformity in the statute, is evidenced by their language, p. 109, as follows: "We may take judicial notice that the commission appointed to revise and codify the statutes was created in the main to codify existing laws and not make new rules," as if our commission were a commission of the state of New York only, and as if its duties were to codify the *statutes* only, and not the *law*! Besides this, our law made no new rule. It but selected the rule already established in the state courts generally, and in all the federal courts to which the New York rule is an exception. Suppose sec. 51 were to read: "Value is any consideration sufficient to support a simple contract. An antecedent or pre-existing debt constitutes value and is deemed such whether the instrument is payable on demand or at a future time, and without regard to whether the antecedent or pre-existing debt is cancelled, in whole or in part, or is extended or continued, in whole or in part, whether for a definite or an indefinite period of time, either explicitly or implicitly;" would this learned court have contended that this being a new rule (in New York), the court preferred to follow *Coddington vs. Bay*? Is not this precisely what sec. 51 means, even as it now stands? Is not either, even the fuller form, precisely what

the law among merchants is and long has been? If so, the want of a common law consideration on the one part or of a failure of detriment on the other part, is no objection to the law. It is enough that it is the custom of merchants.

The decision in this case is faulty in another respect. It was to the effect that to constitute value, the antecedent debt must have been *cancelled and discharged* on the acceptance of the instrument. But surely, even upon its own hide-bound construction the learned court would not maintain that had the antecedent debt been extended, there would be no consideration for the instrument.

Then came the case of *Roseman vs. Mahoney*, 83 N. Y. Supp. 749, 1903, holding that although under sec. 51 an antecedent debt constitutes value, yet the holder of an accommodation note given for such a debt, must surrender the debt, either wholly or in part. In other words still tied down to the old New York decision and to the common law conception of consideration, this decision gave half way effect to sec. 51, *i. e.*, an antecedent debt is consideration when wholly or in part cancelled or extended upon delivery of a promissory note, but it is not consideration when the note is taken only as collateral security for the old debt. The opinion cites no authorities and presents no reasons for supposing the learned judge had ever heard of the New York case of *Brewster vs. Schrader*, 20 Misc. 480, four years earlier.

In *Bank of America vs. Waydell*, 92 N. Y. Supp. 666, 1905, an indebtedness existing in favor of a bank against the forwarder of a draft for collection was held not to constitute the bank a holder of the draft for value under sec. 51, entitling the bank to retain the draft as against the true owner, the bank not having discharged or dealt with the indebtedness in any way on the faith of the draft which was not yet due. Therefore, its proceeds could not be credited to the forwarder or applied on its indebtedness. Whether an antecedent debt constitutes value was, therefore, not really in question in this case, but nevertheless the court cited *Sutherland vs. Mead*, and *Roseman vs. Mahoney*, and did not cite the case of *Brewster vs. Schrader*.

In *Hover vs. Magley*, 96 N. Y. Supp. 925, 1905, the learned judge, apparently with reluctance, followed *Sutherland vs. Mead* and *Roseman vs. Mahoney*, for after quoting from them, he says: "If these excerpts contain a correct expression of the law, I must accept them, since no higher tribunal has gainsaid them, . . . ." but he did not cite *Brewster vs. Schrader* nor *Petrie vs. Miller*.

The case of the *Nat. Bank of Barre vs. Foley*, 54 Misc. 126, 1907 is unsatisfactory, for it cites only sec. 59, ignoring sec. 51 and citing old New York cases. There was nothing to show that the plaintiff, suing the maker of a promissory note negotiated by the payee in breach of good faith to B. Co. which indorsed it for value to the plaintiff, was other than a holder in due course without notice of any defect or fault of antecedent parties. Without citing either sec. 51, *Petrie vs. Miller* or *Brewster vs. Schrader*, it is to the same effect as *Sutherland vs. Mead* and *Roseman vs. Mahoney*, but without citing them. It is difficult to understand how this case could have been decided upon a consideration of old cases only and sec. 59, not involving the real point, and without any reference to the conflicting decisions on the same point in the courts of the same state. Can it be that the counsel on neither side had any of these cases on their briefs? If they had, the report of the case does not show it.

Next comes the case of *Ward vs. City Trust Co. of N. Y.*, 102 N. Y. Supp. 50, 1907, holding that a person taking commercial paper in extinguishment of a debt, surrendering the note of his debtor and collateral security, whether before or after the maturity of the debt, is a holder for value, citing sec. 95, but not sec. 51, nor any of the conflicting New York decisions thereunder, leaving the question still unsettled. There is a dissenting opinion citing a host of old New York and other decisions, but making no reference to the Negotiable Instruments Law. By this time there were a number of decisions under sec. 51 in the courts of other states where the same law is in force, but it is to be noticed that none of these New York decisions refer to them. What can we infer but that neither lawyers nor judges deemed it necessary to study, cite or follow the decisions under the

same law in other states, although that law was admittedly intended to bring about uniformity in the law?

The case of the Gansevort Bank of the City of New York *vs.* Gilday shows the same state of mind. The opinion says:

“While by section 51 of the law cited, an antecedent or pre-existing debt constitutes a valuable consideration in support of a promissory note, yet to make that consideration effective, it seems there must have been a cancellation and in legal effect, a payment and discharge of the antecedent or pre-existing obligation. Otherwise, where is there a parting of value for the new one?”

The answer is that the law merchant and the Negotiable Instruments Law do not require a parting of value, for, under the law merchant, a negotiable instrument is not to be construed as a contract at common law, but as a contract under the custom of merchants—or, if to be looked at from the point of view of the common law, it is in the nature of a specialty and requires no other consideration than a sealed instrument—or, that detriment may be implied as well as expressed, and taking a negotiable instrument as security for an antecedent debt, is, if not express, at least implied forbearance to sue, for at least a brief period of time.

*Bigelow vs. Automatic Gas Producing Co.*, 107 N. Y. Supp. 894, 1907, comes next. The decision says: “It is true that at the time the notes were given, they were in payment of a pre-existing debt, but that is sufficient to constitute value under section 51 of the Negotiable Instruments Law,” making no reference to the New York cases nor to the cases decided in other states.

The next New York case is that of *Harris vs. Fowler*, 110 N. Y. Supp. 987, 1908, in which the court, through Gildersleeve, P. J., after citing sec. 51, says: “This statute, however, must be construed to mean that in order to constitute value which will support an action against an accommodation maker of a check which has been fraudently diverted, the antecedent debt must have been cancelled and discharged on the acceptance of the check, or the time of payment extended. The creditor must

have parted with something, either the debt itself or the right to sue upon it for some determinate period, by the extension of the time of payment," citing *Roseman vs. Mahoney* and *Sutherland vs. Mead*. If the check had been for the same sum as the debt, why would it not have extinguished it? Being for less than the debt, why did it not extinguish it *pro tanto*? There is a dissenting opinion, based upon the facts, but without citing any authorities.

*Mindlin vs. Appelbaum*, 114 N. Y. Supp. 908, 1909, comes next. By a unanimous opinion, the court held that transferees of a note, taken before maturity from the payees, in part payment of an antecedent debt of the payees to the transferees, were holders for value under sec. 51, *Sutherland vs. Mead* and *Roseman vs. Mahoney*; that such transferees would be holders in due course unless they had notice of defense against the note in the transferors' hands; and that the agreement printed on the back of the note, indorsed before delivery, etc., was not sufficient to give notice to strangers to the transaction so as to put them on inquiry.

It would appear from this report that the members of this court had not heard of the decision in *Bank of America vs. Waydell*, 187 N. Y. 115, decided in 1907, of which more later.

*Macaulay vs. Holstein*, 114 N. Y. Supp. 611, 1909. The taking of accommodation negotiable notes, either as conditional payment or as collateral security for a debt, is for value, where there is no fraudulent diversion of the notes from the restricted use imposed by the maker. The Negotiable Instruments Law is not cited. *Sutherland vs. Mead* and *Roseman vs. Mahoney* and a lot of old New York decisions prior to the N. I. L. are cited, but there is nothing to show that the learned court had yet heard of the case of the *Bank of America vs. Waydell*, 187 N. Y. 115, decided two years before this.

I have left until the last the consideration of the most remarkable of these cases, the final decision in *Bank of America vs. Waydell*, 187 N. Y. 115, in 1907. The decision in the court below, 92 App. Div. 666, 1905, was affirmed, without citing the



Negotiable Instruments Law, the decisions in the New York cases or in the courts of other states. The opinion concludes:

"This case rests upon rules and principles that are familiar. The cases and authorities that amply support the principles applicable to the case are very fully examined in the opinion of the learned court below, and it is not needful to make any further reference to them here. It would be only repeating and restating rules applicable to commercial paper that have been applied in this state ever since the case of *Coddington vs. Bay*, (20 Johns 637)."

It will be remembered that the ground of the decision in the court below, 92 App. Div. 666, 1905, was that a pre-existing indebtedness in favor of the bank, against the forwarder of a draft for collection, did not make the bank a holder of the draft for value under sec. 51. But it appears upon the record of this case, as set forth in 187 N. Y. at p. 118, there was a written agreement with the bank under which the bank was authorized "at its option at any time, to appropriate and apply to the payment of the said liabilities, whether now existing or hereafter contracted, any and all moneys now or hereafter in the hands of said bank on deposit, or otherwise, to the credit of or belonging to the undersigned, whether the said liabilities are then due or not."

Upon the facts as stated the court draws the conclusion that the bank was merely an agent for the collection of the bill, and that there are no elements in the case giving the plaintiff the character of a *bona fide* holder for value without notice. The opinion does not cite the Negotiable Instruments Law expressly, referring only incidentally to "the recent statute in regard to commercial paper," as if it were an ordinary New York statute, and there were no such scheme as uniform legislation among the states calling for judicial examination of the decisions in other states on the same section of the same law. The case is not indexed under "Bills and Notes," as it should be, and is therefore easily missed by one looking up these decisions. Either the case is badly reported or the learned counsel submitted an insufficient brief, for apparently they cited only sections 90 and 112 of the Negotiable Instruments Law, and did not

cite sec. 51. They did cite a number of old cases decided before there was any Negotiable Instruments Law, and did not cite the cases decided under sec. 51, either in New York or elsewhere, except *Payne vs. Zell*, 98 Va. 294, 1900, and *Brooks vs. Sullivan*, 129 N. C. 190, 1901. As we shall see later, there were five other cases they might have cited, *i. e.*, *Boston Steel and Iron Co. vs. Stener*, 66 N. E. 646, Mass., 1903; *Mersick vs. Alderman*, 77 Conn. 634, 1905; *Wilkins vs. Usher*, 97 S. W. 37, Ky., 1906; *Trustees of American Bank vs. McComb*, 105 Va. 473, 1906; and *Singer Mfg. Co. vs. Summers*, 143 N. C. 102, 1906.

We may briefly summarize as follows these fourteen New York decisions:

*Brewster vs. Schrader*, 26 Misc. 480, N. Y., 1899. An antecedent debt is value, even when the instrument is taken as collateral security.

*Petrie vs. Miller*, 57 App. Div. 17, 1901. It is, when the antecedent debt is cancelled. Affirmed, 173 N. Y. 596, without an opinion.

*Mohlman vs. McKane*, 60 App. Div. 546, 1901. It is, when taken in payment.

*Sutherland vs. Mead*, 80 App. Div. 103, 1903. It is not value, reversing or disregarding *Brewster vs. Schrader*, and following *Coddington vs. Bay*.

*Roseman vs. Mahoney*, 86 App. Div. 373, 1903. It is not value, unless the note be taken in extinguishment of the antecedent debt.

*Bank of America vs. Waydell*, 92 App. Div. 666, 1905. It is not value, on the ground that the bank received the note for collection for another party. Affirmed, 187 N. Y. 115, 1907, citing *Coddington vs. Bay*, which, however, is not in point, according to the court's finding upon the facts.

*Hover vs. Magley*, 96 App. Div. 925, 1905. It is not, following *Sutherland vs. Mead* and *Roseman vs. Mahoney*.

*Nat. Bank of Barre vs. Foley*, 54 Misc. 126, 1907. Semble it is not, following *Sutherland vs. Mead*.

*Ward vs. City Trust Co.*, 102 N. Y. Supp. 50, 1907. It is, if taken in extinguishment of the debt.

*Gansevort Bank of New York vs. Gilday*, 53 Misc. 107, 1907. It is, if taken in extinguishment of the debt.

*Bigelow vs. Automatic Pr. Co.*, 107 N. Y. Supp. 894, 1907. It is, if taken in extinguishment of the debt.

*Harris vs. Fowler*, 110 N. Y. Supp. 987, 1907. It is, if taken in extinguishment of the debt, or if the time of payment be extended.

*Mindlin vs. Appelbaum*, 114 N. Y. Supp. 908, 1909. It is, but without referring to 187 N. Y. 115, 1907.

*Macaulay vs. Holstein*, 114 N. Y. Supp. 611, 1909. It is, unless the note be taken through fraudulent diversion from the restricted use imposed by its maker, relying on N. Y. cases, but not citing 187 N. Y. 115.

We must conclude that the real meaning of sec. 51 is yet to be determined by the courts of New York in some case that will put before the court of last resort, not only all the New York decisions, but also all the decisions in other states under the same section of the same law. But this alone will not be enough. The members of the judiciary of that state must be aroused to a better appreciation of the new juristic conception of uniform decisions in all the states adopting the same law, and for this we must depend upon a more general citation of these decisions and insistent argument upon their weight as authority by counsel, than appears to have been usual hitherto, so far as we can judge by the reports of the cases I have cited. It would seem as if the courts of New York in their tenacious adherence to *Coddington vs. Bay*, have a peculiar and tender regard for the maker of a note which has been used in breach of faith by the payee or some transferee of his, either to pay or to secure an antecedent debt. But if the plaintiff is a holder in due course without notice of the fraud, upon the familiar rule that where one of two innocent parties must suffer, he who is the mover must bear the loss, why should he not recover? Why is he less entitled to recover if the note be taken as security than if taken in payment? If taken neither as payment nor as security for an antecedent debt, his title is valid. Why then make a distinction when taken equally in good faith, in payment or as

security for an antecedent debt? The distinction is not based upon any sound reasoning, is not in accordance with the law, with the decisions under it in other states, nor with the custom of merchants, nor with the current of decisions prior to our law. In this respect the courts of New York seem to be engaged in a go-as-you-please course in these cases, paying no attention to the decisions in other states under this same section. Satisfied with the principle adopted in *Coddington vs. Bay* eighty-seven years ago, they fail to recognize the necessity of examining the subject anew in consequence of the passage of a new law in 1897, and of determining the meaning of this law passed for the express purpose of harmonizing discordant decisions through uniform legislation in different states. They fail to see that to do this, they must examine the decisions by the courts of other states that have adopted the same law, as to the meaning of this section.

If it be claimed that the case of *Bank of America vs. Waydell*, 187 N. Y. 115, 1907, did not decide that an antecedent debt is not value, on account of the peculiar facts of the case, then why did the court use the language it did, and why did it cite *Coddington vs. Bay*?

Let us examine briefly the decisions in other states under sec. 51.

*Payne vs. Zell*, 98 Va. 294, 1900. A pre-existing debt constitutes value for the transfer of negotiable paper. If the transfer be made as collateral security the transferee is a holder for value to the extent of the amount due him, under secs. 51 and 53.

*Brooks vs. Sullivan*, 129 N. C. 190, 1901, is to the same effect, and the creditor takes good title, free from equities of which he had no notice. This changes the prior law in North Carolina.

*Boston Steel & Iron Co. vs. Stener*, 66 N. E. 646, Mass., 1903. An antecedent debt is value, when the instrument is taken in payment. The opinion cites sec. 51 and prior decisions in Mass. to the same effect, but does not cite the decisions in other states under sec. 51.

*Mersick vs. Alderman*, 77 Conn. 634, 1905, is to the same effect, to the amount of the debt secured thereby, even when the

note taken as security was taken after maturity of the debt. Many old English and American cases are cited, as well as other sections of the Negotiable Instruments Law, but sec. 51 is not cited, nor are the decisions in other states, under that section.

*Commercial Nat. Bank, etc. vs. Citizens St. Bank*, 109 N. W. 198, Iowa, 1906. The credit given upon an antecedent debt on receipt of a certificate of deposit, was held to be conditional only in this case, and therefore it fails to throw any light on the question we are considering.

*Trustees of Am. Bank vs. McComb*, 105 Va. 473, 1906. Following the prior law of Virginia, a pre-existing debt is value for a note executed as security.

"The object of that act as stated in its title, was 'to revise, arrange and consolidate into one act the laws relating to negotiable instruments (being an act to establish a law uniform with the laws of other states).' The history of that legislation, as well as the act itself, shows that it was the intention of the legislature to embody in one act, not merely the statute law of the state with reference to negotiable instruments, but also the rules of the law on the subject. All acts and parts of acts in conflict with it are, to that extent, expressly repealed by subsection 197, and the rules of the law merchant impliedly repealed, except in such cases as are not provided for by the act. . . . Where a statute is intended to embody in a code a particular branch of the law and has specifically dealt with any point, the law on that should be ascertained by interpreting the language used, instead of doing as before the statute was passed—running over a vast number of authorities, in order to discover what the law is by extracting it by a minute critical examination of prior decisions. Lord Bramwell in *Bank, etc. vs. Vagliano*, L. R. Appeal Cases, 107, 144.

"If such a statute is to be treated as the defendant insists should be done, and have read into it the law prior to its enactment, the value of codifying the law on the subject of negotiable instruments will be greatly impaired, if not destroyed, and the very object for which it was enacted will be frustrated. Where the language of such an act is clear, it must control, whatever may have been the prior statutes and decisions on the subject. Where there is a substantial doubt as to the meaning of the language used, the old is a valuable source of information. *U. S. vs. Bowen*, 100 U. S. 508; 25 L. Ed. 631; *Bank vs. Vagliano*, *supra*."

*Wilkins vs. Usher*, 97 S. 37, Ky., 1906. A person taking a note from the payee, as collateral for an antecedent debt, is a holder for value to the extent of the lien.

*Singer Mfg. Co. vs. Summers*, 143 N. C. 102, 1906. An antecedent debt is value, the burden being on the one claiming to be a purchaser for value in good faith of a check fraudulently diverted, to make his claim good.

*Elgin City Banking Co. vs. Hall*, 108 S. W. 1068, Tenn., 1907. An antecedent debt is not value when the plaintiff bank taking the note for value without notice of a previous fraud, discounts it and places the amount to the credit of the indorser (a debtor to the bank) in another bank, because the court was unable to determine whether the credit was real and substantial, and from anything that appears to the contrary, the proceeds of the discount might be credited to the bank by making a change of entry on its books. But I am unable to see the force of this reasoning. It would require changes of entries on the books of two banks to set aside a completed transaction like this. Section 51 and other sections are cited and also sundry old decisions, but no decisions of the courts of other states are referred to. There is a citation of Selover, "The Negotiable Instruments Law," 217, but that book was written in 1900, and since then there have been many decisions above cited, none of which are mentioned in this report.

*Gorham vs. Smith*, 118 N. W. 726, Mich., 1908. This case holds that under sections 51 and 53, one holding a note as collateral security for a pre-existing debt, is a holder for value to the extent of the amount due him. This changes the previous law in Michigan. The case is distinguished from others that I have mentioned because it cites four of the cases, *Payne vs. Zell*, *Mersick vs. Alderman*, *Brooks vs. Sullivan* and *Petrie vs. Miller*, examined above.

*Murchison Nat. Bank vs. Dunn Oil Mills Co.*, 64 S. E. 885 N. C. 1909. Though a bank, the payee of a draft, is merely the drawer's agent for collection, yet, as this does not appear on the instrument, the drawer cannot arrest payment of the draft as against one who is a purchaser for value without notice, in this

case a pre-existing indebtedness constituting value, following *Singer Mfg. Co. vs. Summers*, 143 N. C. 102, 1906, but citing no other cases decided under the N. I. L.

*Hermanns' Exe'r vs. Gregory*, 115 S. W. 809, Ky., 1909. Where the payees of a note paid a specified sum to banks which the maker owed, there was a valuable consideration for the note under sec. 51, the N. I. L. making no change in this respect in the law in Kentucky. A number of old decisions are cited, but there is no citation of the decisions of other courts in cases arising under this same section.

I have now reviewed all the decisions under this section of the N. I. L. Even where the courts construe it liberally, to the overruling of former decisions in their own state, there is a remarkable and lamentable absence of examination of the decisions in other states under the same section.

I cannot tell whether the cases are imperfectly reported \*—whether counsel prepared their cases imperfectly, relying upon old cases in their own and other states, instead of citing the decisions in other states under the same law—or whether it is the judges who are to blame for not taking a broader outlook. The courts seem to be missing a rare juristic opportunity to form a new kind of common law—common to all the states that have adopted the same law—through decisions based upon the Negotiable Instruments Law itself and upon study of all the decisions in all the sister states that have adopted the same law. For what is the use of a uniform law unless we have uniform decisions thereunder, and how are uniform decisions to be reached except by paying attention to the decisions in other states under the same law?

It cannot be claimed that the decisions under the N. I. L. are inaccessible. Not only are they all promptly reported in the official and in the non-official reports, but a summary of the cases decided during the current year has been published in the annual reports of this conference as well as in the annual reports

\* In many cases, although the decision cites the N. I. L. and bases its opinion on it, the headnote does not state that it is a decision under that law.

of the American Bar Association, both of which are freely distributed all over the country. In addition to three editions of Crawford's "Annotated Negotiable Instruments Law," there are now several other books on this law, including the thorough, scholarly work by Prof. Brannan of the Harvard Law School. If counsel fails to present the decisions in other states under identically the same statute and if courts fail to cite these cases, and err consequently in their treatment of cases before them, it is not for want of light to see their way.

How can uniformity of decision in cases arising under a uniform law be secured, except by placing all the decisions under the same section before the court that has a case before it under that section, and then, by having the court come to a decision based upon examination of all these cases? The reports of cases decided under the Negotiable Instruments Law do not show that this is being done.

The Negotiable Instruments Law is now in force in thirty-eight states, territories and the District of Columbia. We may confidently look forward to its adoption throughout the Union. But we need more than this to make it completely successful. To maintain uniformity, when it becomes necessary to amend it, no one state should adopt an amendment without consulting its sister states that have adopted the same law, all with the express purpose of uniformity in legislation. There must be uniformity in amendments or uniformity is ended. Then, when a case arises under a uniform law, the attitude of counsel must be such as to require them to recognize that this is more than a state law, and therefore, besides citing all the decisions in their own state, in cases arising under the section in question, they must also cite all the decisions in other states under the same section. Having the proper material for a thorough philosophical examination of the case thus put before them, the judges should construe the statute liberally in favor of uniformity, not strictly against it, remembering the admitted purpose of this new uniform legislation, which involves the securing of uniformity of decision as well as uniformity of statute throughout the union. They should remember that adherence to previous decisions in



their own state on the point before them, is inconsistent with the successful administration of this uniform law, and they should therefore decide the case before them in accordance with the uniform law itself and the weight of judicial decision thereon, as evidenced by an examination of all the cases in all the states, under the section in question. To make a uniform law successful, there must be uniformity in legislation, uniformity in amending the law, when it becomes necessary to amend it, and uniformity in the decisions under it. I look to you, fellow-members of this conference, for the creation and maintenance of a knowledge of these necessities among the members of your legislatures, of your Bars and of your courts that will keep them all up to this high ideal.

Following my usual course during the eight years I have had the honor to be your President, I have examined and summarized all the cases that have arisen during the last year under the Negotiable Instruments Law, nearly one hundred in number. In the interest of economy of space in our annual report, I have decided to omit them from my annual address.

**REPORT OF TREASURER**  
**OF THE**  
**COMMISSIONERS ON UNIFORM STATE LAWS, AUGUST 19, 1908,**  
**TO AUGUST 14, 1909.**

*Receipts.*

1908.		
Aug. 1.	Amount on hand.....	\$349.04
1909.		
Jan. 4.	Contribution, State of Rhode Island.....	100.00
Feb. 9.	Contribution, State of New York.....	500.00
May 4.	Contribution, State of Connecticut.....	500.00
July 20.	Contribution, American Bar Association.	500.00
		————— \$1,949.04

*Expenditures.*

1908.		
Oct. 8.	The Gibson & Perin Co., expressage.....	40.88
	Francis A. Hoover, express and postage..	34.95
Nov. 27.	The Ivy Press, 700 copies proceedings of 18th Annual Conference .....	80.00
	Chas. A. Morrison, reporting proceed- ings at Seattle conference.....	150.00
1909.		
Jan. 21.	Talcott H. Russell, expenses of attend- ing meeting of Executive Committee in Philadelphia .....	13.00
Jan. 26.	Tuttle, Morehouse & Taylor Co., printing 1500 letter heads .....	7.75
	Amasa M. Eaton, postage and expenses..	40.25
Feb. 3.	Amasa M. Eaton, expenses to Augusta...	12.50
" 16.	Walter George Smith, expenses to Au- gusta, Me., and Concord, N. H.....	46.88
" 17.	Amasa M. Eaton, expenses to Concord...	8.00
" 24.	Charles F. Libby, expense of attending meeting of Executive Committee in Philadelphia .....	33.15
" 16.	The Gibson & Perin Co., printing 1200 copies Certificates of Stock Act, ex- press and envelopes.....	63.34

Feb. 17.	Francis A. Hoover, assistant secretary, postage and expressage .....	\$ 36.73
April 13.	Francis A. Hoover, cash paid for address- ing cards and envelopes.....	3.00
" 24.	Walter George Smith, expense of attend- ing meeting of Committee on Commer- cial Law and Executive Committee in New York .....	21.15
" 26.	Charles A. Farnum, three copies of minutes of meeting of Executive Com- mittee in Philadelphia.....	37.00
" 28.	Amasa M. Eaton, expense of attending meeting of Executive Committee and Committee on Commercial Law in New York .....	17.50
	Francis B. James, expense in attending above meetings .....	70.85
" 29.	Talcott H. Russell, expense in attending above meetings .....	40.00
May 5.	Allen, Lane & Scott, printing Report of Committee on Marriage and Divorce...	110.00
	Walter George Smith, expense of distri- buting above reports.....	7.50
" 14.	The Gibson & Perin Co., express.....	1.00
June 5.	William H. Staake, expense of attending meeting of Executive Committee in New York .....	8.45
July 12.	The Gibson & Perin Co., printing en- velopes, post cards, etc.....	24.37
" 20.	Tuttle, Morehouse & Taylor Co., printing 500 letter heads .....	4.50
" 23.	Francis A. Hoover, expenses.....	28.43
" 24.	Lord Baltimore Press, printing report of annual meeting in American Bar As- sociation report .....	125.55
" 26.	The Gibson & Perin Co., printing and ex- pressage .....	134.12
Aug. 12.	Talcott H. Russell, postage, telegrams, incidental expenses, May 17, 1907, to date .....	25.00
		<hr/> \$1,225.85
Aug. 14.	Balance on hand.....	\$723.19

TALCOTT H. RUSSELL,  
*Treasurer.*

Your Auditing Committee have examined the above report and vouchers annexed thereto, and report as follows:

1. We find the amount on hand at the beginning of the year to correspond with the balance approved in the last annual report of the Treasurer.

2. We find the items of expenditure stated in the report supported by vouchers approved by the Chairman of the Executive Committee, and properly receipted.

3. Upon the statement of receipts shown in the Treasurer's Report, the balance on hand should be as stated in the above report.

Respectfully submitted,

R. W. WILLIAMS,

ERNST FREUND,

NATHAN W. MACCHESNEY,

*Committee.*

**REPORT OF THE SECRETARY**  
**OF THE**  
**COMMISSIONERS ON UNIFORM STATE LAWS.**

The number of states, territories and federal districts which have appointed Commissioners are as follows:

States .....	44
Territories .....	2
Federal district .....	1
Possession .....	1
	—
Total .....	48

NOTE.—Annexed hereto is a statement of the names of states, territories, federal districts, etc., which have appointed Commissioners.

The number of states which have passed the Negotiable Instruments Law is thirty-eight.

NOTE.—Annexed hereto is a list of such states, territories and federal districts.

The number of states which have passed the Warehouse Receipts Act is eighteen.

NOTE.—Annexed hereto is a list of such states.

The number of states and territory which have passed the Sales Act is six.

NOTE.—Annexed hereto is a list of such states and territory.

The number of states which have passed the Divorce Act, or portions thereof, is four.

NOTE.—Annexed hereto is a list of such states.

Respectfully submitted,

CHARLES THADDEUS TERRY,  
*Secretary.*

Dated, New York, August 17, 1909.

States, territories and federal districts which have appointed Commissioners:

*States.*

Alabama,	Maryland,	Oregon,
Arkansas,	Massachusetts,	Pennsylvania,
California,	Michigan,	Rhode Island,
Colorado,	Minnesota,	South Carolina,
Connecticut,	Mississippi,	South Dakota,
Florida,	Missouri,	Tennessee,
Georgia,	Montana,	Texas,
Idaho,	Nebraska,	Utah,
Illinois,	New Hampshire,	Vermont,
Indiana,	New Jersey,	Virginia,
Iowa,	New York,	Washington,
Kansas,	North Carolina,	West Virginia,
Kentucky,	North Dakota,	Wisconsin,
Louisiana,	Ohio,	Wyoming.
Maine,	Oklahoma,	

*Territories.*

Arizona,

New Mexico.

*Federal District.*

District of Columbia.

*Possession.*

Philippine Islands.

States which have passed the Negotiable Instruments Law:

*States.*

Alabama,	Michigan,	Oklahoma,
Colorado,	Missouri,	Oregon,
Connecticut,	Montana,	Pennsylvania,
Florida,	Nebraska,	Rhode Island,
Idaho,	Nevada,	Tennessee,
Illinois,	New Hampshire,	Utah,
Iowa,	New Jersey,	Virginia,
Kansas,	New York,	Washington,
Kentucky,	North Carolina,	West Virginia,
Louisiana,	North Dakota,	Wisconsin,
Maryland,	Ohio,	Wyoming.
Massachusetts,		

*Territories.*

Arizona,

New Mexico.

*Federal District.*

District of Columbia.

*Possession.*

Hawaii.

## States which have passed the Warehouse Receipts Act:

California,  
Connecticut,  
Illinois,  
Iowa,  
Kansas,  
Louisiana,Massachusetts,  
Michigan,  
Nebraska,  
New Jersey,  
New Mexico,  
New York,Ohio,  
Pennsylvania,  
Rhode Island,  
Tennessee,  
Virginia,  
Wisconsin.

## States which have passed the Sales Act:

*States.*Connecticut,  
Massachusetts,New Jersey,  
Ohio,

Rhode Island.

*Territory.*

Arizona.

## States which have passed the Divorce Act, or portions thereof:

Delaware,

New Jersey,

Wisconsin.

Louisiana passed a small portion of the act.

**REPORT**  
**OF THE**  
**EXECUTIVE COMMITTEE.**

*To the President and Commissioners attending the Nineteenth Annual Conference of Commissioners on Uniform State Laws:*

Your Executive Committee would respectfully report:

At the Eighteenth Annual Conference held at Seattle, in the State of Washington, on August 21, 22 and 24, 1908, in the Hotel Washington, twenty-two states, one territory, and the District of Columbia were represented by thirty-five Commissioners; others in attendance at the Conference being as follows:

Massachusetts: Samuel Williston, Cambridge; James Barr Ames, Cambridge.

New York: Thomas R. Paton, General Counsel American Bankers' Association, New York City.

Washington: Robert R. Fox, Seattle; J. W. Spangle, representing National Association of Credit Men of Seattle, Seattle; P. C. Kauffman, Chairman of the Bills of Lading Committee of the Washington Bankers' Association of Seattle, Seattle.

The Conference referred a resolution, "That the Committee on Wills, Descent and Distribution be requested to report at their early convenience a uniform law on the subject of the execution and probate of wills," to that committee.

The Executive Committee was requested to co-operate with the Committee on Commercial Law of the American Bar Association in securing the adoption of the Uniform Warehouse Receipts Law and the Uniform Sales Act, by the respective states of the union.

Your committee reports that Commissioner George Whitelock, of Maryland, the Chairman of the Committee on Commercial



Law of the American Bar Association, met with the Executive Committee at a meeting held in Room No. 648 of the City Hall, in the city of Philadelphia, Pennsylvania, on January 20, 1909, when the method of co-operation with the Committee on Commercial Law was discussed by the members of the Committee. The number of states then holding legislative sessions was considered, and the subject of communication and correspondence with the Commissioners in such states or with members of the Bar of such states was also discussed.

Mr. Whitelock stated that in the report of the Committee on Commercial Law, which has been submitted for approval, a recommendation has been made that the President of the Association appoint a special committee to take up the matter of uniform legislation in the different states, and bring about the passage of laws which have been recommended for adoption by the Association or this Conference of Commissioners.

It was stated that the report of the Committee on Commercial Law of the American Bar Association has recommended the approval by that Association of the Uniform Sales Act and the Uniform Warehouse Receipts Act, and that a special committee or committees be appointed to secure their passage by the legislatures of those states that have not already adopted them, and by Congress for the District of Columbia.

After considerable discussion the matter of further procedure by the Executive Committee, in co-operation with the Committee on Commercial Law of the American Bar Association, was referred to President Eaton, of the Conference, who promised to correspond further with the Chairman of the Committee on Commercial Law of the American Bar Association on the subject.

At the meeting of the Executive Committee held on January 7, a number of important subjects were discussed, the proceedings of the meeting covering some seventy-four pages of closely typewritten matter. Among other questions considered were the subject of a Uniform Mechanics' or other Lien Law, a uniform standard of Fire Insurance Policy, and an appeal for the contribution of funds by the various states for the payment

of the expenses of their Commissioners, and a reasonable proportion of the expenses of the National Conference.

The subjects of a Uniform Marriage Law, and as to the steps to be taken by the Publicity Committee to make the work of the Conference of Commissioners better known, were also considered.

A meeting of the Executive Committee was also held at the Waldorf-Astoria Hotel, New York City, on April 19, 1909, at which meeting the subjects of "individual commissioners taking part in local conferences on uniform laws in limited sections of the country," the published action of the National Civic Federation to secure action in the direction of promoting uniformity of legislation in the United States, the proposed "House of Governors," the matter of submitting official statements to each governor and attorney-general of the states of the work of the Conference, with the request to have such official statement published in leading newspapers, were also discussed.

Possibly the most important occurrence of the year has been the action of the National Civic Federation in urging a strong movement for national unity. In the "National Civic Federation Review" of March, 1909, there appears an article by Mr. John Hays Hammond, showing that the Federation has become impressed "with the necessity for a systematic national effort towards securing, within reasonable limits, more uniform legislation in the states of the union."

It was stated:

"There are useful national organizations of farmers, manufacturers, wage-earners, bankers, merchants, lawyers, economists, and other organizations, which hold national meetings for the discussion of affairs peculiar to their own pursuits and callings. The Civic Federation, however, provides a forum in its Annual Conference, for representatives of all these elements to discuss national problems in which they have a common interest. Heretofore, there has been no effort to crystallize into state organizations this representative membership for the accomplishment of concrete aims."

It was further stated that a committee had been appointed to organize a council of one hundred representative men in

each state, of which Mr. John Hays Hammond had accepted the Chairmanship, and of which Judge Alton B. Parker, New York; Myron T. Herrick, Ohio; David R. Francis, Missouri; Curtis Guild, Jr., Massachusetts; Nahum J. Bachelder, New Hampshire; Edwin Warfield, Maryland; Herman Ridder, New York; C. F. Brooker, Connecticut; Bruce Haldeman, Kentucky; Victor Rosewater, Nebraska; Clark Howell, Georgia; P. I. Bonebrake, Kansas; James Lynch, Indiana; Harry Pratt Judson, Illinois; A. H. Revell, Illinois; John B. Lennon, Illinois; John H. Holliday, Indiana, and Benjamin Ide Wheeler, California, were members.

Reference was made to the continued existence for eighteen years of this annual Conference of Commissioners on Uniform State Laws created by the different states at the instance of the American Bar Association, as showing that the state executives and legislatures were fully alive to the importance of the subject, and that this Conference had been instrumental in securing the passage in thirty-five states of a Uniform Negotiable Instruments Law, and in proposing other commercial measures, including a Uniform Food Law to conform to the national law.

A subsequent conference was had with representatives of the National Civic Federation, which resulted in the constitution of a Uniform Legislation Committee of the National Civic Federation, of which the Hon. Alton B. Parker, of New York, is the Chairman, the other members being:

Prof. George W. Kirchwey, Dean of Columbia Law School, New York.

Hon. Morgan J. O'Brien, ex-Judge Supreme Court, New York.

Dr. James Barr Ames, Dean of Harvard Law School, Cambridge.

Hon. Amasa M. Eaton, President Conference of Commissioners on Uniform State Laws, Providence.

Thomas W. Shelton, Esq., Attorney, Norfolk.

Hon. Charles J. Bonaparte, former Attorney-General, Baltimore.

Frederick W. Lehmann, Esq., President American Bar Association, St. Louis.

Willard Saulsbury, Esq., member Delaware Council American Bar Association, Wilmington.

John Bell Sanborn, Esq., member American Bar Association, Madison.

Dr. William P. Breen, member Executive Committee American Bar Association, Fort Wayne.

Dr. Hannis Taylor, Professor of Law, George Washington University, Washington.

Moorfield Storey, Esq., ex-President American Bar Association, Boston.

Dr. Henry St. George Tucker, ex-President American Bar Association, Lexington, Virginia.

Francis Lynde Stetson, Esq., Attorney, New York.

Dr. Henry Wade Rogers, Dean of Yale Law School, New Haven.

Hon. Lawrence Maxwell, Jr., ex-Solicitor-General, Cincinnati.

John G. Milburn, Esq., member American Bar Association, New York.

Stephen S. Gregory, Esq., member American Bar Association, Chicago.

Dr. Charles Noble Gregory, Dean of University of Iowa Law School, Iowa City.

Hon. Charles B. Aycock, Attorney, Goldsboro.

Prof. Francis E. Burdick, member New York Commission on Uniform Laws, New York.

Lawrence Cooper, Esq., member Alabama Council American Bar Association, Huntsville.

Frederick P. Fish, Esq., Attorney, Boston.

Walter L. Fisher, Esq., President Conservation of National Resources, Chicago.

William O. Hart, Esq., member Louisiana Commission on Uniform Laws, New Orleans.

Hon. Peter W. Meldrim, member Executive Committee, Commissioners on Uniform State Laws, Savannah.

Dr. Frederick M. Judson, member American Bar Association, St. Louis.

Prof. William Minor Lile, University of Virginia Law School, Charlottesville.

Hon. Charles F. Manderson, ex-President American Bar Association, Omaha.

Col. George R. Peck, ex-President American Bar Association, Chicago.

Dr. J. H. Ralston, member American Bar Association, Washington.

Walter George Smith, Esq., Vice-President Conference of Commissioners on Uniform State Laws, Philadelphia.

Hon. Selden P. Spencer, member American Bar Association, St. Louis.

Hon. William H. Staake, Chairman Executive Committee, Conference of Commissioners on Uniform State Laws, Philadelphia.

Hon. Charles S. Thomas, member American Bar Association, Denver.

Prof. Bradley Martin Thompson, University of Michigan Law School, Ann Arbor.

Hon. George Turner, member American Bar Association, Spokane.

Prof. John Henry Wigmore, Dean of Northwestern University Law School, Chicago.

Prof. Westel W. Willoughby, Professor of Political Science, Johns Hopkins University, Baltimore.

Hon. Charles Thaddeus Terry, member New York Commission on Uniform State Laws.

Hon. Francis B. James, member Ohio Commission on Uniform State Laws.

We are satisfied, as the results of a number of conferences with eminent representatives of the National Civic Federation, that it is in "working touch" with our Conference, and that the effect of the effort will be conducive to the object which the Federation and this Conference have in view.

A National Conference to consider the subject of Uniform State Laws has, after consultation with other bodies interested in promoting such legislation in the various states of the union, been called to meet in Washington, D. C., January 5, 6 and 7, 1910. President Taft has accepted the invitation of the Federation to attend the Conference and to make the opening address. In the announcement of this National Conference it is stated: "The plain truth is that the movement of people and of merchandise goes on in our day without any regard to state lines, and it is becoming increasingly clear that unless the states will legislate with substantial uniformity on a number of subjects, the tendency towards centralization and the corresponding increase of federal power, cannot permanently be resisted."

Your committee is convinced that the efforts of the National Civic Federation will tend to a recognition by the public of the importance of the work in which this National Conference is engaged.

In the "National Civic Review" of July, 1909, there is an article by President Amasa M. Eaton, entitled "Pioneers in the Movement for Uniform State Laws," describing the labors of the commissioners authorized by law to work for harmonious co-operation in state legislation, which is well worth the reading and study of every member of the Conference.

In a letter addressed by Ralph M. Easley, Chairman of the Executive Council of the National Civic Federation to the Hon. Frederick W. Lehmann, President of the American Bar Association, there occurs the following statement which must interest every member of the National Conference:

"The movement for a conference on uniform legislation, which the National Civic Federation is promoting, is being made with the heartiest co-operation of the Officers of the National Conference of Commissioners on Uniform State Laws, President Eaton, Vice-President Smith, and Chairman Staake. What we hope to do in fact is to arouse a popular sentiment in each state to back up the work of the State Commissioners on Uniform Laws. Our organization understands thoroughly that the Bar Association and the Commissioners on Uniform State Laws are the pioneers in the uniformity movement, and have accomplished wonders in the past eighteen years.

"The Conference of Commissioners is a perfect organization, so far as the legal side of the problem is concerned, but all of its officers admit that it needs the backing of the agricultural, labor, manufacturing, commercial, and other popular bodies. We hope to make the subject so popular that the states will make the proper appropriations for the work of the state commissioners, and also we ought to help get commissioners appointed in all the states where now there are none.

"The July number of our "Review" will contain a four-page article by President Eaton on the work of the Commissioners' organization. The National Civic Federation has named a Uniform Legislation Committee simply for the purpose of guaranteeing the co-operation and assistance above expressed. Far from being a rival body, you will note by the enclosed list of members (nearly all of whom have accepted membership), that our committee is completely dominated by the members and friends of the Commissioners on Uniform State Laws."

It is the earnest hope of the members of the Executive Committee that every member of the Conference will arrange to take part in the National Conference set for January 5, 6 and 7, 1910, in the City of Washington.

The committee has referred to a subcommittee the matter of preparing a tentative program for the Conference in Washington to be considered by the entire committee at a meeting in the fall. This subcommittee consists of Alton B. Parker, Amasa M. Eaton, Walter L. Fisher, Frederick N. Judson, George W. Kirchwey, Henry Wade Rogers and Walter George Smith.

Your committee has not been able to take up the question of the system of numbering of cases in the official reports referred to at the Eighteenth Annual Conference.

The attention of the Conference is called to the very effective labors of the Publicity Committee constituted at the meeting of the Eighteenth Conference. Through the efforts of that committee, Commissioners are now appointed from the States of Alabama, Arkansas, Colorado, California, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio,

Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, Wyoming, West Virginia and Wisconsin; from the Territories of Arizona and New Mexico, the District of Columbia, and the possession of the Philippine Islands.

Your committee addressed a circular letter to the Governor of each state of the United States of America, calling attention to the approaching Conference of Commissioners at Detroit, Michigan, August 19 to 24, inclusive, requesting the attendance of Commissioners from the respective states and the filling of any vacancies existing in any of the states.

Replies to the circular letter were received from the Governors of Alabama, Connecticut, Florida, Illinois, Indiana, Iowa, Georgia, Maryland, Michigan, Missouri, Nebraska, New York, North Carolina, West Virginia and Wisconsin, in which attention to the request contained in the circular was promised.

Governor Carroll, of Iowa, requested information as to who were the Commissioners on Uniform Legislation from that state, as there was no record in the office which afforded such information. The information has been furnished to the Governor.

Governor Stubbs, of Kansas, in a letter of August 14, 1909, announced the appointment of Charles W. Smith and S. N. Hawkes, of Stockton; S. H. Allen, of Topeka, and F. S. Jackson, of Eureka, as Commissioners from that state.

Governor Fort, of New Jersey, advised the Chairman that the legislature of that state had enacted a law providing for the appointment of three Commissioners on Uniform State Laws, who should be counsellors-at-law of at least ten years' standing, and that he would appoint Frank Bergen, John R. Harden and Vice-Chancellor John R. Emery as Commissioners.

A circular letter as follows:

"DEAR MR. COMMISSIONER:

"Will you please report to me on the receipts of this communication 'the enactment of any laws, or the filing of any judicial decisions in your state, upon the subject of uniform legislation in the United States,' since the last meeting of the



Commissioners on Uniform State Laws, at Seattle, Washington, August 21, 22 and 24, 1908.

"I make this request under Section 1, Article 4, of the Constitution of the Commissioners on Uniform State Laws.

"I also advise you that the next Conference of the commissioners will take place in the Supervisors' Room, County Building, Detroit, Michigan, August 19, 20, 21 and 23, 1909, beginning at 10.30 a. m. August 19. It is desired that every commissioner shall be present at this Conference which will be of unusual interest in view of the action of the National Civic Federation in calling a National Conference to consider the subject of promoting uniform legislation by the states of the Union to be held in Washington, D. C., January 5, 6 and 7, 1910. President Taft has accepted the invitation of the Federation to attend the Conference and to make the opening address. This movement 'is being made with the heartiest co-operation of the officers of the National Conference of Commissioners on Uniform State Laws.' Its object is 'to arouse a popular sentiment in each state,' to back and support the work of the State Commissioners and give them 'the cordial co-operation of the agricultural, labor, manufacturing, and other popular bodies.' Also to have 'commissioners appointed in all of the states, where now there are none' and to have the states make proper appropriations for the work of the State Commissioners.

"Your prompt attention will oblige

Yours very truly,

WILLIAM H. STAAKE,  
*Chairman Ex. Com."*

was also sent to each Commissioner in accordance with the requirement of the Constitution of the Conference, Section 1, Article 4. The replies received indicated that the legislatures of Alabama, Louisiana, Maryland and Mississippi have not been in session since the last annual Conference.

In the following states, territories and district, there have been no laws enacted or judicial decisions filed bearing on the subject of uniform legislation in the United States: Alabama, Arizona, Arkansas, District of Columbia, Georgia, Idaho, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, Mississippi, North Dakota, Ohio, Rhode Island, Tennessee, Texas, Washington and West Virginia.

In Washington, the Sales and Warehouse Receipts Bills were introduced at the biennial session of 1909, but failed of enactment.

No replies were received from Colorado, Connecticut, Florida, Massachusetts, Montana, North Carolina, North Dakota, Oregon, Philippine Islands, Vermont and Virginia. Commissioners have only recently been appointed in some of the states, such as Wyoming.

In California, there is a change in the Warehouse Receipts Law, Section 18, providing that where two parties claim goods, the suit must be filed by the claimant instead of the warehouseman.

In Georgia, bills were pending before the legislature at the time of the report of Commissioner Meldrim.

In Idaho, Commissioner Babb stated that Commissioners had been appointed without legislative authority.

In Indiana, the Uniform Warehouse Bill, Chapter 336, page 1226, of the Acts of 1909, has been passed.

In Illinois, attention was called to the address of Commissioner Richberg before the American Prison Association.

In Kansas, the Warehouse Receipts Bill is now the law of the state, being Chapter 262 of the Laws of 1909, and Section 62 of the Negotiable Instruments Law was amended to read "illegal" in line five, instead of "alleged."

In Louisiana, in *The Succession of Kurucaro*, 49 Southern Reporter 23, there was a decision which applied to the Stock Act No. 180, of the Louisiana legislature of 1904. *Pugh vs. Sample*, 49 Southern Reporter 526, applied to the Negotiable Instruments Law. There was also a decision by the Court of Appeals which Commissioner Hart was to look up and furnish to the Conference.

Very interesting letters were received from Commissioners Ames, of Ohio; Hart, of Louisiana; Libby, of Maine; Rome G. Brown, of Minnesota; Taylor, of Missouri, and Hollingsworth, of Utah, in reference to the efforts made in their respective states for the enactment of uniform laws.

In Michigan, the Uniform Warehouse Receipts Bill has been

passed, and also an act creating a commission from that state on uniform state laws. The Governor named George W. Bates, Lawrence C. Fyfe and Cyrenius P. Black as Commissioners.

In *Graham vs. Smith*, 15 Detroit Legal News, the court passed on Sections 27 and 29 of the Negotiable Instruments Law, Acts 265, Public Acts of 1905, wherein it was held that "any person to whom a negotiable security has been pledged as collateral, is a holder for value to the extent of the amount due him."

Commissioner Krauthoff, of Missouri, referred to the amendment of the law of 1907 in that state, which amended the Negotiable Instruments Law passed in the year 1905, by inserting the words "or becoming payable" in Section 85, so that the third sentence of the section reads, as amended, as follows: "Instruments falling due or becoming payable on Saturday are to be presented for payment on the next succeeding business day, except that instruments payable on demand may, at the option of the holder, be presented for payment before twelve o'clock noon on Saturday, when the entire day is not a holiday."

In the year 1909 the law was amended in a number of particulars, correcting obvious errors in the legislative enactment of the law (Laws 1909, pages 756, *et seq.*). In addition, in the year 1909, Section 87 was amended by adding at the end thereof the words "but where the instrument is made payable at a fixed or determinable future time, the order to the bank to pay is limited to the date of maturity only." (Laws of 1909, page 700.)

Since the enactment of the Negotiable Instruments Law, only one case can be found in the decisions in Missouri in which the law is cited or interpreted, namely, *Young vs. Gaus*, 113 Southwest Reporter 735 (134 Mo. App. 166).

The communication of Commissioner Krauthoff, referring to these and other cases, is not filed with this report, as your committee believes a reference to these cases will be as usual made by the President in his annual address to the Conference.

After the drafting of the report, a second report from Commissioner Krauthoff was received, referring to the case of Bank

of *Ladonia vs. Bright-Coy Commission Company*, decided June 8, 1909, and reported 120 Southwest Reporter 648, ruling that a draft drawn in the State of Missouri was a foreign bill of exchange under Section 123 of the Negotiable Instruments Law, and that an acceptance in Illinois in the year 1906, before the Negotiable Instruments Law was adopted in that state, and no proof had been made in Missouri that a statute governing the subject had been adopted in Illinois, would raise the presumption that the common law was still in force in Illinois, and that an oral agreement to accept a bill was enforceable.

In Nebraska, the Warehouse Receipts Act has been passed with some slight modification.

In New Hampshire, the Negotiable Instruments Law has been passed as well as a Legal Separation Act. (Laws 1909, pages 10 and 31.)

Commissioner Bergen, of New Jersey, referred to the fact that his state had passed the Negotiable Instruments Law, the Warehouse Receipts Law, the Uniform Sales Act, as well as the Uniform Divorce Law recommended by the Divorce Congress and by the Commission.

In New Mexico, the Warehouse Receipts Act has been approved March 16, 1909, being Chapter 38 of the New Mexico Sessions, Law of 1909, and it was stated they were "ready to enact a Uniform Partnership Law whenever it can be received."

Commissioner Terry, of New York, has presented a detailed report, as has been his practice for a number of years.

This report refers to some twenty-four cases on the Negotiable Instruments Law, and one upon the Warehouse Receipts Law. The Commissioners from Ohio presented the committee a like report from that state.

In Oklahoma, the Negotiable Instruments Law has been passed.

In Pennsylvania, an act of the 27th of April, A. D. 1909, amended Section 137 of the Negotiable Instruments Law, reading: "Where a drawee to whom a bill is delivered for acceptance destroys the same, or refuses within twenty-four hours after

such delivery, or within such further period as the holder may allow, to return the bill accepted or non-accepted to the holder, he will be deemed to have accepted the same," by adding "*Provided*, that the mere retention of such bill by the drawee, unless its return has been demanded, will not amount to an acceptance, and provided further, that the provisions of this section shall not apply to checks." Commissioner Smith reports that *Zollner vs. Moffit*, 222 Penn. 644, has a bearing upon Section 96 of the Negotiable Instruments Law, and Section 105, relating to dishonor.

In the Supreme Court the case of *Provident, Etc., Co. vs. Bank*, 37 Superior Court 17, interprets the one hundred and thirty-seventh section of the act. This decision, based upon *Wisner vs. First National Bank of Gallitzin*, 220 Pa. 21, has together with that of the Supreme Court referred to, been reversed by the Act of April 27, 1909, above referred to.

In *Flanders vs. Snare*, 37 Sup. Court 28, it was held that there is nothing in the Negotiable Instruments Law which prevents the use of a rubber stamp in the endorsement of checks, etc.

In Rhode Island, Commissioner Wooley reported "there has been no case decided under the Sales Act anywhere in the United States."

In South Carolina, an act for the appointment of commissioners on uniform state laws has been passed. Thomas Moultrie Mordecai, Chairman; John C. Palmer, Secretary, and John C. Sheppard, being the Commissioners appointed under that law.

In South Dakota, the Negotiable Instruments Law has passed one house, and will probably be passed at the next session of the legislature in January, 1911.

In Tennessee, the Warehouse Receipts Bill has been passed.

In Utah, Commissioner Hollingsworth reports the cases of *Wolstenholme vs. Smith et al.*, 97 Pacific 329, holding that an accommodation maker of a note is not relieved from liability by an extension of time of payment made without his knowledge or consent; *Warren vs. Smith*, 100 Pacific 1069, holding that a person acquiring a negotiable instrument from the finder or one who has stolen it, may hold the same against the true

owner, if it was endorsed in blank, and acquired for value, before maturity and without notice, but that even a *bona fide* holder can acquire no rights under a forged endorsement; and *Cole Banking Company vs. Sinclair et al.*, 98 Pacific 411, holding that as between the parties a partial failure of consideration is not such a defect in title as to require an endorsee suing thereon to show himself a holder in due course.

In Wisconsin, the Uniform Divorce Law, Warehouse Receipts Act, and an amended act for the appointment of Commissioners and providing for their compensation, have been passed.

In Wyoming, Chief Justice Charles N. Potter, Attorney-General W. E. Mullen, and Assistant United States Attorney Edward C. Clark have been appointed as Commissioners.

In Arkansas, John M. Moore and Ashley Cockrill have been appointed as Commissioners with John Fletcher, who has faithfully attended former sessions of the National Conference.

In California, Walter R. Leeds has been appointed an additional Commissioner from that state.

In Missouri, Professor Lawson, of the Law School of the University of Missouri, and Edwin Krauthoff were, with Seneca Taylor, appointed as Commissioners.

Replies from standing and other committees indicated that reports will be presented to the Conference from the Committees on Commercial Law, Wills, Descent and Distribution, Marriage and Divorce, Insurance, Purity of Articles of Commerce, Torrens System of Registration of Titles to Lands, Publicity, and from the Special Committee on Vital and Penal Statistics.

The death of Commissioner Fabius H. Busbee, of Raleigh, North Carolina, during the meeting at Seattle in 1908, was known to the Commissioners in attendance at the Eighteenth Annual Conference. A message of condolence and sympathy was sent to the family of Commissioner Busbee, and the Chairman of the Executive Committee has been furnished with a biographical sketch of Commissioner Busbee for presentation to this Nineteenth Annual Conference, prepared by Robert L. Gray, Esq., and received through Thomas W. Davis, Secretary of the Bar Association of North Carolina.

Reports of Commissioners from the States of Illinois, Louisiana, Maine, Ohio, Pennsylvania and Rhode Island have been received.

The attention of the Commissioners from the respective states is called to the requirement of Article 4 of the Constitution of the Commissioners on Uniform State Laws, Section 5, making it the duty of the Commissioners from each state to file with the President, Secretary and members of the Executive Committee, a copy of their reports to the Governor or legislature of their respective states. In fact, attention to the provisions of the five sections of Article 4 of the Constitution will conduce to the intelligent and orderly proceedings of the Conference.

Provision was made by the Executive Committee for a four-days' conference of Commissioners, on August 19, 20, 21 and 23, 1909, believing that the business before the Conference and the increased interest in the subject of uniformity of legislation, would demand an additional day's time for proper consideration.

An arrangement has been made through Commissioner George W. Bates, of Michigan, for the meetings of the Conference in the Supervisor's Room in the new Wayne County Court House, which he assured the committee would "meet the requirements of the Conference in every respect."

Mr. C. A. Morrison has, after negotiations by Secretary Terry, agreed to "take everything down in shorthand and typewrite it for the round sum of \$150.00."

Secretary Hinkley, of the American Bar Association, asks if we cannot avoid the duplication of the abstract of the New York cases on the New York law contained in the New York Commissioners' Report, and in Mr. Eaton's address. He thinks there is very little necessity of continuing this digest of decisions. He also thinks that the novelty of this law has worn off, "and it has become incorporated in the body of the law of many states to such an extent, that, according to his judgment, the continuation of digesting all the decisions on this subject hardly justifies itself."

By resolution of the Executive Committee the Chairman addressed a circular letter to the Commissioners from the New England states, dated October 23, 1908; calling their attention to the "Conservation Conference of Governors of the New England States" to be held shortly after the Presidential election, and urging each Commissioner to endeavor to take part in this conference, and to that end to communicate with the Governor of his state, and with those having in charge the plans for the proposed Conference, putting them in possession of the history and purposes of our Conference, and showing them how by reason of the permanence of our organization and their constant and continuous study of interstate questions, they are in an eminently advantageous position to render valuable aid in matters affecting all the states or any considerable number of states.

Although our Commissioners took the matter up with their respective Governors, and some of them attended this Conservation Conference, nothing was accomplished along the lines indicated in the circular letter.

Very respectfully submitted,

AMASA M. EATON, *President*,

WALTER GEORGE SMITH, *Vice-President*,

TALCOTT H. RUSSELL, *Treasurer*,

CHARLES THADDEUS TERRY, *Secretary*,

WILLIAM H. STAAKE, *Chairman*,

FRANCIS B. JAMES,

CHARLES F. LIBBY,

PETER W. MELDRIM.



**REPORT**  
**OF THE**  
**COMMITTEE ON COMMERCIAL LAW.**

*To the Commissioners on Uniform State Laws in Nineteenth National Conference:*

The Committee on Commercial Law of the Commissioners on Uniform State Laws in National Conference begs leave to submit the following report:

**I. UNIFORM NEGOTIABLE INSTRUMENTS ACT.**

(a) *Progress.*—The Uniform Negotiable Instruments Act has now been enacted in the thirty-eight (38) states and territories of Alabama, Arizona, Colorado, Connecticut, District of Columbia, Florida, Hawaii, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Tennessee, Utah, Virginia, Washington, West Virginia, Wisconsin and Wyoming.

(b) *Last Year's Work.*—It has been passed in the two (2) states of New Hampshire and Oklahoma since the last meeting of the Conference.

(c) *Work to be Done.*—It has not yet been enacted in the twelve (12) states of (1) Arkansas, (2) California, (3) Delaware, (4) Georgia, (5) Indiana, (6) Maine, (7) Minnesota, (8) Mississippi, (9) South Carolina, (10) South Dakota, (11) Texas and (12) Vermont; in the one (1) territory of (1) Alaska; and in the three (3) insular possessions of (1) Porto Rico, (2) Panama Canal Zone and (3) Philippine Islands; a total of sixteen states, territories and insular possessions.

(d) *Municipal and Corporate Bonds.*—Mr. Arthur W. Machen, Jr., of the Baltimore bar, in his recent (1908) "Treatise on the Modern Law of Corporations" has raised a

The committee has thought it proper to call this matter to the attention of the Commissioners without making any particular recommendation in reference thereto.

(e) *Annotated Acts*.—The Commissioners have long felt the need of annotated editions of the Negotiable Instruments Act which would include the judicial decisions on the same. This has been supplied by an annotated edition of the Negotiable Instruments Act by Prof. J. D. Brannan, of the Harvard Law School, and a third edition of the Negotiable Instruments Act by Mr. John J. Crawford, of the New York bar, who was its draftsman. The edition by Prof. Brannan is of peculiar value because, among many other merits, it presents the Act in its original form and preserves permanently the controversy between Dean James Barr Ames and Judge Lyman D. Brewster, and the able review thereof by Mr. Charles L. McKeehan, of the Philadelphia bar.

(f) *Judicial Decisions*.—The courts of last resort of the various states which have enacted the Negotiable Instruments Law are following the decisions of the courts of last resort of the other states which have enacted the same, and thus aiding in maintaining uniformity.

## II. UNIFORM SALES ACT.

(a) *Progress*.—The Uniform Sales Act has been passed in the six (6) states and territories of Arizona, Connecticut, Massachusetts, New Jersey, Ohio and Rhode Island.

(b) *Last Year's Work*.—It has not been passed in any state since the last meeting of the Conference. The attention of the Commissioners is strongly called to the great commercial value of this act, and to the necessity of having it passed in all the states of the Union.

(c) *Text Book*.—"The Law Concerning Sales of Goods at Common Law and under the Uniform Sales Act," by Prof. Samuel Williston, of the Harvard Law School, has just been issued to the public. In addition to its merit as the latest and best book on the Law of Sales, it contains a statement of the common law, followed in the text itself by the provisions of the

Sales Act, and points out the changes made thereby in the common law and elucidates the true and proper construction and application of the sections of the Sales Act. This commentary can be used with great advantage in arguments before legislative bodies in securing the passage of the Act, and will be of peculiar benefit to the Bench and Bar in those states which enact the same.

### III. UNIFORM WAREHOUSE RECEIPTS ACT.

(a) *Progress.*—The Uniform Warehouse Receipts Act has already been enacted in the eighteen (18) states and territories of California, Connecticut, Iowa, Illinois, Kansas, Louisiana, Michigan, Massachusetts, Nebraska, New Jersey, New York, New Mexico, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia and Wisconsin.

(b) *Last Year's Work.*—It was passed in the eight (8) states and territories of California, Kansas, Michigan, Nebraska, New Mexico, Pennsylvania, Tennessee and Wisconsin since the last meeting of the Conference.

### IV. UNIFORM PARTNERSHIP ACT.

In 1902 Dean James Barr Ames volunteered his services to the Committee on Commercial Law to draft a uniform Partnership Act. At the meeting of the Commissioners on Uniform State Laws at Narragansett Pier, August 18, 1905, the Commissioners adopted a resolution as follows: "That in drawing the Partnership Code, Professor Ames be requested to draw it on the lines of the mercantile theory of partnership." At the meeting of the Commissioners on Uniform State Laws at St. Paul, Minn., August 22, 1906, Dean Ames submitted a first tentative draft of a uniform Partnership Act.

At the meeting of the Commissioners on Uniform State Laws at Portland, Me., August 22, 1907, a resolution was adopted requesting Dean Ames to prepare notes on each section of the Uniform Partnership Act.

At the meeting of the Commissioners on Uniform State Laws held at the New Washington Hotel, Seattle, Washington, August

24, 1908, Dean Ames made the following statement in reference to the Partnership Act:

"Two years ago I was commissioned to draft an act to make Uniform the Law of Partnership, and I was instructed in drawing it to recognize the commercial conception of a partnership, and to deal with it as an entity or legal person. A year ago I presented a draft which was referred back to the Committee on Commercial Law. I intended to present this year a revised and annotated draft, but I find to my surprise that there are in several states constitutional provisions which seem to me to create a difficulty. It is a serious difficulty in four states, and a considerable one in seven states. In those states there are provisions of the constitution affecting associations, affecting corporations in certain special ways, and the term 'corporation' is defined in those constitutions as follows:

"'The term corporation as used in this article shall be construed to include all associations, and joint stock companies, having any of the powers or privileges of corporations, not possessed by individuals or partnerships.'

"Therefore, I do not see that the special purport of the constitutional provision has any bearing upon a possible draft of a Partnership Act in many of these states, but, in four states, the constitutional provision provides that stockholders shall not be liable beyond a double liability. If, therefore, we should proceed strictly upon the personification of partnership, we would be met at once with the provision that it possibly could not be made lawful for more than double the individual contribution, which, of course, is quite a war with the whole conception of partnership.

"It seems to me that this language in these state constitutions is so sweeping that it would be very difficult to say that a partnership treated as a legal person out and out, would not be a corporation under these constitutions, for, certainly, the privilege of being treated as a legal person in all respects is not one of the privileges now possessed.

"It seemed to me, therefore, that I ought not to proceed further without taking the opinion of the Conference."

Thereupon the following resolution was adopted:

"That the first tentative draft of the Partnership Act be recommitted to the Committee on Commercial Law."

At the meeting of the Committee on Commercial Law at the Waldorf-Astoria Hotel, New York City, April 19 and 20, 1909,

the first tentative draft of the Uniform Partnership Act was fully and exhaustively discussed. Dean Ames was asked to prepare a second tentative draft of this act, which he has accordingly done. This was discussed by the Committee on Commercial Law at the Hotel Pontchartrain, Detroit, Michigan, August 17 and 18, 1909.<sup>1</sup> The committee recommends same be fully and exhaustively discussed by the Commissioners on Uniform State Laws at their meeting to be held at the Wayne County Court House, Detroit, Michigan, August 19, 20 and 21, 1909.

#### V. UNIFORM CERTIFICATES OF STOCK ACT.

In 1906 the Commissioners on Uniform State Laws in National Conference employed Prof. Samuel Williston, of the Harvard Law School, to prepare a Draft of an Act to make Uniform the Law of Transfer of Title to Shares of Stock in Corporations. A first tentative draft was considered by the Committee on Commercial Law of the Commissioners on Uniform State Laws at Portland, Maine, August 21, 1907, and by the Commissioners at the same place, August 22, 23 and 24, 1907. As a result of the discussion a second tentative draft was prepared and discussed by the Committee on Commercial Law at the New Washington Hotel, Seattle, Washington, August 20, 1908, and by the Commissioners at the same place August 21, 22 and 24, 1908. Thereupon a third tentative draft was prepared and circulated February 1, 1909, and carefully examined at a meeting of the Committee on Commercial Law at the Waldorf-Astoria, New York City, April 19 and 20, 1909. In the light of all criticisms and suggestions a fourth tentative draft was prepared and circulated July 15, 1909, and fully discussed by the Committee on Commercial Law at the meeting held at the Hotel Pontchartrain, Detroit, Mich., August 17, 1909.<sup>2</sup> It is hoped that final action will be taken thereon at the present meeting of the Commissioners.

<sup>1</sup> Appendix B contains a list of those present (page 1105).

<sup>2</sup> Appendix B contains a list of those present (page 1105).

## VI. UNIFORM BILLS OF LADING ACT.

(a) *Progress in Preparing Act.*—In 1905 the Commissioners on Uniform State Laws employed Prof. Samuel Williston, of the Harvard Law School, to prepare an Act to make Uniform the Law of Bills of Lading. The first draft was submitted to the Committee on Commercial Law at St. Paul, Minn., August 23, 1906, and received some consideration at its hands. The Commissioners deferred its discussion for a year so that it might be submitted to shippers, bankers and carriers. The Committee on Commercial Law held a meeting at the Bellevue-Stratford Hotel, Philadelphia, Pa., May 13 and 14, 1907, at which all these interests were represented. As a result of the discussion, a second draft was prepared and considered by the Committee on Commercial Law at Portland, Me., Wednesday, August 21, 1907, and by the Commissioners at the same place August 22, 23 and 24, 1907. A third tentative draft was distributed June 1, 1908. The Commissioners at their annual conference held at the New Washington Hotel, Seattle, Washington, August 21, 22 and 24, 1908, recommitted the draft to the Committee on Commercial Law for the purpose of securing additional expert information in perfecting the Act. The Committee on Commercial Law held a meeting at the Waldorf-Astoria Hotel, New York City, April 19 and 20, 1909, at which were present representatives of the American Bankers' Association, the American Warehousemen's Association, the National Board of Trade, Merchants Association of New York City, the Chamber of Commerce of Richmond, Va., the National Industrial Traffic League, the National Manufacturers' Association, the Erie Railroad, the Pennsylvania Railroad, the New York, New Haven & Hartford Railroad, the Old Dominion Steamship Company, the Bills of Lading Committee of Railroads in Official Territory, the Harvard Law School, the Law Departments of Columbia University and the University of Pennsylvania. In addition written communications were considered from numerous individuals and commercial organizations. A fourth tentative draft was circulated July 17, 1909. This was very carefully considered and discussed by the Committee on

Commercial Law at the Hotel Pontchartrain, Detroit, Mich., August 18, 1909.\*

(b) *Criticism.*—The Merchants' Association of New York City, through Mr. Abram Elkus, of Messrs. James, Schell & Elkus, has addressed a communication to the committee criticising the definition of the word "value" as contained in section 51 of the Fourth Tentative Draft of the Bills of Lading Act. The criticism is divided into two parts, the first relating to the first sentence, and the second to the second sentence of the definition. The word "value" appears fourteen times in the Act, being found in sections 6, 7, 8, 9, 14, 15, 17, 23, 24, 32, 34, 35, 38, 39, 40, 42. The definition of the word "value" contained in section 51 would be read into each of these sections. We will consider the criticisms separately:

(1) *Value is any consideration sufficient to support a simple contract.*

This in no wise changes the now generally accepted definition of value as to negotiable credit instruments and securities.

The English Bills of Exchange Act (Chalmers 5th Ed. 1896, p. 80) provides:

"Sec. 27. Valuable consideration for a bill may be constituted by (a) any consideration sufficient to support a simple contract."

The same act (*ibid.*, p. 7) provides:

"Sec. 2. Value means valuable consideration."

These sections as part of the English Act have been adopted in forty-five English Provinces, Colonies and Dependencies.

The Uniform Negotiable Instruments Act (Brannan on Negotiable Instruments Law, p. 9) provides:

"Sec. 25. Value is any consideration sufficient to support a simple contract."

The same act provides (*ibid.*, p. 39):

"Sec. 191. Value means valuable consideration."

This Act has now been enacted in thirty-eight (38) states and territories.

\* Appendix B contains a list of those present (page 1105).

The Sales Act (Sec. 76) uses the same definition, and this has been enacted in six states and territories.

The Warehouse Receipts Act (Sec. 58) uses the same definition. This has been enacted in eighteen (18) states and territories.

It may therefore be said that this definition prevails in nearly every English speaking nation, state, colony, territory, insular possession and dependency. It does not unsettle any general unwritten law because there are but few judicial decisions upon the subject. Williston on Sales (1909), Sec. 620, pp. 1036-1040, contains an excellent discussion of the definition of "value."<sup>4</sup> Mr. Elkus suggests five suppositious cases which would rarely arise in practice, nor would all of them constitute value in the meaning of the definition.<sup>5</sup> Furthermore, transactions must be *bona fide* to be sustained. In the humble judgment of the Committee much of Mr. Elkus' difficulty arises from his failure to distinguish between "value" and "good faith," both of which are required by the Act. A successful fraud in the five instances suggested is too remote to be sufficient to modify the definition of value which has now been so universally accepted.

(2) *An antecedent or pre-existing obligation whether for money or not constitutes value where a bill is taken either in satisfaction thereof or as security therefor.*

The English Bills of Exchange Act (Chalmers, 5th Ed., 1896, p. 80) provides:

"Sec. 27. (b) An antecedent debt or liability. Such a debt or liability is deemed valuable consideration whether the bill is payable on demand or at a future time."

<sup>4</sup>For convenience this is printed as Appendix A (page 1103).

<sup>5</sup>The five (5) instances suggested by Mr. Elkus are as follows:

"1. The promise of his fiancée to marry him.

"2. The promise of a friend to pay him an annuity or support him for a period of time.

"3. The promise of another to give a sum to a third person—the wife, child or relative of the trader.

"4. A promise to abstain from a certain business in a specified locality and for a specified time.

"5. A promise not to sue."



As heretofore stated, this definition has been adopted in forty-five English provinces, colonies and dependencies.

The Uniform Negotiable Instruments Act (Brannan, p. 9), provides:

"Sec. 25. An antecedent or pre-existing debt constitutes value, and is deemed such whether the instrument is payable on demand or at a future time."

As before stated, this has now been enacted in thirty-eight states and territories.

The Warehouse Receipts Act provides:

"Sec. 58. An antecedent or pre-existing obligation whether for money or not, constitutes value where a receipt is taken, either in satisfaction thereof or as security therefor."

This has now been enacted in eighteen states and territories.

The Uniform Sales Act provides:

"Sec. 76. An antecedent or pre-existing claim whether for money or not constitutes value where goods or documents of title are taken either in satisfaction or as security therefor."

It may likewise be said of the second part of this definition as has been said of the first half, that this definition is now the law of nearly every English-speaking nation, territory, colony, province, insular possession and dependency.

The criticism may in part be attributed to a radical difference of opinion which has existed between the New York Courts on the one hand and the courts of most states and the Federal Courts, on the other, on this subject. Down to the passage of the Negotiable Instruments Law in New York, in 1897, the New York State Courts adhered to a doctrine different from that embodied in the Negotiable Instruments Act. In 1842, in a case arising in a New York Federal Court, by reason of diversity of citizenship (being the ruling, leading and celebrated case of *Swift vs. Tyson*, 16 Peters 1) the Supreme Court of the United States claimed the right to determine for itself the rule of the law merchant applicable in New York. Mr. Justice Story adopted the rule now embodied in the Negotiable Instruments Act. He put it expressly upon the ground of producing uniformity of commercial law in the commercial world. When the Commis-

sioners on Uniform State Laws framed the Negotiable Instruments Act (through Mr. Crawford, a New York lawyer), they were forced by reason of this lack of uniformity to adopt one rule or the other and refused to adopt the New York State Court rule, and adopted the rule laid down by the Supreme Court of the United States in *Swift vs. Tyson*, *supra*.

In deciding *Swift vs. Tyson*, *supra*, Mr. Justice Story said (pp. 19-20) :

"The law respecting negotiable instruments may be truly declared in the language of Cicero, adopted by Lord Mansfield in *Luke vs. Lyde*, 2 Burr. 883, 887, to be in a great measure, not the law of a single country only, but of the commercial world. *Non erit alia lex Romae, alia Athenis; alia nunc, alia posthac; sed et apud omnes gentes, et omni tempore una eademque lex obtinebit.*"

"It becomes necessary for us, therefore, upon the present occasion, to express our own opinion of the true result of the commercial law upon the question now before us. And we have no hesitation in saying, that a pre-existing debt does constitute a valuable consideration in the sense of the general rule already stated, as applicable to *negotiable instruments*. Assuming it to be true (which, however, may well admit of some doubt from the generality of the language), that the holder of a *negotiable instrument* is unaffected with the equities between the antecedent parties, of which he has no notice, only where he receives it in the usual course of trade and business for a valuable consideration, before it becomes due; we are prepared to say that receiving it in payment of, or as security for, a pre-existing debt, is according to the known usual course of trade and business. And why, upon principle, should not a pre-existing debt be deemed such a valuable consideration? It is for the benefit and convenience of the commercial world, to give as wide an extent as practicable to the credit and circulation of negotiable paper, that it may pass not only as security for new purchases and advances, made upon the transfer thereof, but also in payment of, and as security for, pre-existing debts. The creditor is thereby

\* This popular quotation from Cicero's *De Re Publica* has been compared with the original and the exact language of Cicero is as follows: "*Nec erit alia lex Romae, alia Athenis, alia nunc, alia posthac; sed et omnis gentis, et omni tempore, una lex, et sempiterna et immutabilis continebit.*" (Cicero, *De Re Publica*, III, 28-33; Tauchnitz, Leipzig, 1865, p. 214.)

enabled to realize or to secure his debt, and thus may safely give a prolonged credit, or forbear from taking any legal steps to enforce rights. *The debtor also has the advantage of making his negotiable securities of equivalent value to cash.* But establish the opposite conclusion, that negotiable paper cannot be applied in payment of, or as security for, pre-existing debts, without letting in all the equities between the original and antecedent parties, and the value and circulation of such securities must be essentially diminished, and the debtor driven to the embarrassment of making a sale thereof, often at a ruinous discount, to some third person, and then, by circuitry, to apply the proceeds to the payment of his debts. What, indeed, upon such a doctrine, would become of that large class of cases, where new notes are given by the same or by other parties, by way of renewal or security to banks, in lieu of old securities discounted by them, which have arrived at maturity? Probably, more than one-half of all bank transactions in our country, as well as those of other countries, are of this nature. The doctrine would strike a fatal blow at all discounts of negotiable securities for pre-existing debts."

This was reaffirmed in the case of Brooklyn City and Newtown Railroad Company *vs.* The National Bank of the Republic of New York (1880) 102 U. S. 14.

In this case Mr. Justice Harlan said (pp. 25-26) :

"According to the very general concurrence of judicial authority in this country as well as elsewhere, it may be regarded as *settled in commercial jurisprudence*—there being no statutory regulations to the contrary—that where *negotiable paper* is received in payment of an antecedent debt; or where it is transferred, by indorsement, as collateral security for a debt created, or a purchase made, at the time of transfer; or the transfer is to secure a debt, not due, under an agreement express or to be clearly implied from the circumstances, that the collection of the principal debt is to be postponed or delayed until the collateral matured; or where time is agreed to be given and is actually given upon a debt overdue, in consideration of the transfer of negotiable paper as collateral security therefor; or where the transferred note takes the place of other paper previously pledged as collateral security for a debt, either at the time such debt was contracted or before it became due,—in each of these cases the holder who takes the transferred paper, before its maturity, and without notice, actual or otherwise, of any defence thereto, is held to have received it in due course of business,

and, in the sense of the commercial law, becomes a holder for value, entitled to enforce payment, without regard to any equity or defence which exists between prior parties to such paper.

*"Upon these propositions there seems at this day to be no substantial conflict of authority. But there is such conflict where the note is transferred as collateral security merely, without other circumstances, for a debt previously created. One of the grounds upon which some courts of high authority refuse, in such cases, to apply the rule announced in Swift vs. Tyson is, that transactions of that kind are not in the usual and ordinary course of commercial dealings. But this objection is not sustained by the recognized usages of the commercial world, nor, as we think, by sound reason. The transfer of negotiable paper as security for antecedent debts constitutes a material and an increasing portion of the commerce of the country. Such transactions have become very common in financial circles. They have grown out of the necessities of business, and, in these days of great commercial activity, they contribute largely to the benefit and convenience both of debtors and creditors."*

He further said (p. 28) :

*"Our conclusion, therefore, is, that the transfer, before maturity, of negotiable paper, as security for an antecedent debt merely, without other circumstances, if the paper be so indorsed that the holder becomes a party to the instrument, although the transfer is without express agreement by the creditor for indulgence, is not an improper use of such paper, and is as much in the usual course of commercial business as its transfer in payment of such debt. In either case, the bona fide holder is unaffected by equities or defences between prior parties, of which he had no notice. This conclusion is abundantly sustained by authority. A different determination by this court would, we apprehend, greatly surprise both the legal profession and the commercial world. See Bigelow's Bills and Notes, 502, et seq.; 1 Daniel, Neg. Inst. (2d ed.), c. 25, secs. 820-233; Story, Promissory Notes, secs. 186, 195 (7th ed.), by Thorndyke; Parsons, Notes and Bills (2d ed.), 218, sec. 4, c. 6; and Redfield & Bigelow's Leading Cases upon Bills of Exchange and Promissory Notes, where the authorities are cited by the authors."*

Mr. Justice Clifford in a concurring opinion said (pp. 32-33) :

*"Commercial law is a system of jurisprudence acknowledged by all maritime nations, and upon no subject is it of more im-*

*portance that there should be, as far as practicable, uniformity of decision throughout the world.*

“Bills of exchange and promissory notes are commercial paper in the strictest sense, and as such must ever be regarded as favored instruments, as well *on account of their negotiable quality, as their universal convenience in mercantile affairs.* Everywhere the rule is that they may be transferred by indorsement, or when indorsed in blank or made payable to bearer they are transferable by mere delivery. International regulations encourage their use as a safe and convenient medium for the settlement of balances among mercantile men of different nations, and *any course of judicial decision calculated to restrain or impede their full and unembarrassed circulation for the purposes of foreign or domestic trade would be contrary to the soundest principles of public policy.* Goodman vs. Simonds, 20 How. 343, 364.”

He further said (pp. 57-58) :

“*Transactions of a commercial character extend throughout the civilized world, and it is well known that they are chiefly conducted through the medium of bills of exchange and other negotiable instruments. Uniformity of decision is a matter of great public convenience and universal necessity, acknowledged by all commercial nations. Should this court adopt a principle of decision which when carried into effect would establish as many different rules for the determination of commercial controversies as there are states in the Union, it would justly be considered a public calamity, as it must necessarily depreciate our negotiable securities in all the foreign markets of the world where our merchants have commercial transactions.*

“Stable and immutable rules are necessary to give confidence to those who receive such *securities* in the usual course of business, when indorsed in blank, or made payable to bearer, so that if such a bill or note is made without consideration, or be lost or stolen, and afterwards be negotiated for value to one having no knowledge of such facts, in the usual course of business, his title shall be good, and he shall be entitled to collect the amount.”

A full list of authorities may be found in Crawford's Annotated Negotiable Instruments Law (3d edition), pages 39-40, note (b), and Brannan, Negotiable Instruments Law (1908), pp. 206-207.

This definition has been particularly commended by Dean Ames. (See Brannan, Negotiable Instruments Law, p. 43).

'The only courts which have attempted to construe away this section of the Negotiable Instruments Act and destroy uniformity have been a few inferior ones of New York, but a majority of these inferior courts are the other way. To yield to the criticism would embalm an obsolete rule of law which once prevailed in New York, in the State Courts prior to the adoption of the Negotiable Instruments Act in 1897, and which some lawyers have succeeded in persuading a very few of the Inferior Courts of New York to adhere to in the face of the distinct provisions of the Negotiable Instruments Act, and destroy the manifest purpose of uniformity of that Act.

The Warehouse Receipts Act, recognizing the usage of the commercial world, placed warehouse receipts to order or bearer on the basis of negotiable instruments, and therefore adopted the definition in the Negotiable Instruments Act. Mr. Elkus argued against the definition before the House and Senate judiciary committees of New York, and before Governor Hughes, of New York, and before the American Bar Association<sup>1</sup> and was overruled in each instance. This definition of the Warehouse Receipts Act has now been adopted in eighteen (18) states and territories.

The Certificates of Stock Act, recognizing the usage of the commercial world, places certificates of stock on the basis of negotiable instruments, and therefore adopted the definition in the Negotiable Instruments Act.

The Bills of Lading Act likewise pre-eminently recognizing the usage of the commercial world makes bills of lading to order negotiable, and it is peculiarly proper that the definition in the Negotiable Instruments Act should be adopted. This definition is more important in the Bills of Lading Act than in the Warehouse Receipts Act, because order bills of lading usually accompany negotiable drafts, and each should be governed by the same law in this respect. President Hadley (of Yale University) in his classic on "Railroad Transportation," has well said (at pages 18 and 19) :

<sup>1</sup> See Vol. 31, Reports American Bar Association (1907), pp. 55-58.

"We no longer produce for the home market, but for the world's markets. It is by the world's supply and demand that prices are made. *The development of transportation has been the main instrument of this change. It has gone hand in hand with the extension of the credit system, each has supplemented the other. The bill of lading is made to serve the same purpose as the bill of exchange.*"

The Bill of Lading specifies the unit of quantity of a commodity; a Bill of Exchange (Draft) the unit of value; one is the necessary complement of the other.

Mr. Albert Strauss, of Messrs. J. & W. Seligman & Co., in a recent address on the Currency Problem (page 76), has elucidated the great utility of an order bill of lading accompanying a draft in the export of cotton as follows:

"The English buyer arranges with his banker to accept the drafts of the American cotton dealer, and notifies the American dealer to draw his sixty-day bill on the London bank, with shipping documents attached. The American cotton dealer borrows from his local bank to buy cotton from the farmer, whom he pays in cash; when he has gathered enough cotton for shipment, he ships on through bills of lading, from his southern home direct to Liverpool; these bills of lading he attaches to his sixty-day draft on London and the London draft, with its documents, he attaches to a draft on his New York agent. With this New York draft he repays the local bank. The New York agent, in turn sells this sixty-day bill on London to a New York banker, and with the proceeds meets the cotton dealer's draft on him. On the other hand, the exchange banker sends the sixty-day bill to London for discount, and against the proceeds draws a demand bill on London."

Mr. Logan McPherson, in "Railroad Freight Rates in Relation to the Industry and Commerce of the United States," just published (May, 1909), after classifying order bills of lading as commercial paper, says (p. 190):

"*The [order] bill of lading is an instrument for facilitating commerce, the importance of which is not generally known. It is not only a certificate that merchandise is in transit, but a first lien upon that merchandise, in a way a title to ownership, and, as fulfilling this function, negotiable. For example, a grain dealer buying a carload of wheat at the western field may, and in the vast majority of cases does, deposit the bill of lading*



covering that car in a bank as security for a loan to its value. If that car goes through to a port where it is sold for export the loan may not be paid and the bill of lading lifted until the grain is transferred from the car to the vessel. There is a similar procedure in the case of other commodities, with the bills of lading covering raw material to the factory, and finished product from the factory. *The [order] bill of lading thus contributes to that fluidity of the circulating medium, that celerity in the transfer of merchandise, which are striking achievements and essential requirements of current civilization.*"

In Prendergast on "Credit and Its Uses" (1906), page 42, the problem is thus stated:

"A merchant having purchased a bill of goods on a specified term of credit, gives to the seller a bill of exchange, drawn on himself, representing the amount of the invoice. The seller needing money for his own business, passes this bill of exchange, with his indorsement thereon, to another from whom he has made a purchase, or to whom he may be in debt for any other reason. The third person to whom the bill of exchange is given passes it on again in liquidation of an indebtedness of his own, and so on. In this way that bill of exchange may serve in the effacement of many different accounts, and return to the drawer literally covered with indorsements. What is true as to the function of a medium of exchange, which the particular bill referred to has discharged, may be equally true of many other forms of credit instruments which may be called to mind. Promissory notes, drafts, checks, *bills of lading, and warehouse receipts are all credit instruments which can be used as mediums of exchange or substitutes for money.*"

Our Commercial Law must rest on sound, economic principles and actual commercial practices. Bills, drafts, notes, checks and bills of lading are in fact and practice parts of the currency of commerce. Mr. Elkus refers to four possible cases where frauds could be perpetrated.\* It must not be forgotten that the word "obligation" clearly means a legal obligation. In addition, the suppositious cases would rarely arise in practice and the

\*The four (4) instances suggested by Mr. Elkus are as follows:

"1. An old and long outlawed debt.

"2. A claim for damages by reason of negligence.

"3. The duty to pay alimony.

"4. The duty to support an aged parent.



transactions to be sustained must be *bona fide*. As we have already taken occasion to say, we believe much of Mr. Elkus' difficulty arises from his failure to distinguish between "value" and "good faith," both of which are required. Successful fraud in the four instances supposed is too remote to be sufficient to modify the rule of "antecedent" liability which has now been so universally accepted. Relief can be had in cases of insolvency under the Bankruptcy Act, Section 60 (Loveland on Bankruptcy—3d Ed., 1907, pp. 1262-1263), which remedy is expressly reserved by Section 49 of the Bills of Lading Act.

Mr. Elkus says this is all revolutionary. The Uniform Negotiable Instruments Act provision as to value was revolutionary in New York as to the New York Courts only, but was not revolutionary even in New York in the United States Courts sitting in New York. Mr. Elkus has not pointed out a single instance of successful fraud under the definition contained in the Negotiable Instruments Act.

We can not agree with Mr. Elkus that there will be any contraction of credits, but on the contrary, to eliminate this definition of value is to diminish mobility of credit.

Mr. Elkus says this definition is an experiment. It is contrary to New York Courts' definition of "value" down to the time of the adoption of the Negotiable Instruments Act in 1897. However, since 1842, the Federal Courts of New York uniformly applied the definition of "value" as contained in the Negotiable Instruments Act.

The definition of the word "value," as to *negotiable instruments* is in harmony with the general commercial understanding and the decisions of the Supreme Court of the United States since 1842, and of most of the states. The only strongly conflicting view was that entertained by the New York Courts down to the adoption of the Negotiable Instruments Act in 1897, and this local New York view was never recognized by the Federal Courts sitting in New York but repudiated in 1842 in *Swift vs. Tyson, supra*.

Your committee does not believe that in New York State there is an overwhelming state sentiment against the definition

of value in the Bills of Lading Act. It is absolutely essential to New York's international trade in which Bills of Lading constitute a commodity currency passing freely from hand to hand.

It is a matter of common knowledge that intense competition exists among the cities of Boston, New York, Philadelphia and Baltimore to control, or at least divide, the port international traffic. (*Noyes on American Railroad Rates*, pp. 134-135; *Hadley on Railroad Transportation*, pp. 82-99; *Meyer on Government Regulation of Railway Rates*, pp. 191, 220; *McPherson on Railroad Freight Rates*, 68, 70, 73 and 118-119; *New York Produce Exchange vs. Baltimore & O. Rd. Co. et al.* (1898), 7 I. C. C. R., 612; and particularly *Re Differential Freight Rates* (1905) 11 I. C. C. R. 13.) It might be that laws which restrict the free currency of bills of lading would be a factor in determining a choice of ports through which to market the great staple commodities by means of drafts with order bills of lading attached, as in the regular practice. This is a matter for the careful consideration of the people of the State of New York in the event that the other states in which the above enumerated cities are located adopt the Bills of Lading Act with its generally accepted definition of value.

Mr. Elkus in his letter says:

"Our clients have found, to their cost, that under the extension of the credit system of doing business, and the loose immigration laws which have turned loose upon this community some of the most unprincipled and brightest minds in Europe trained in every sort of business chicanery, a mercantile class has arisen which is absolutely devoid of business honor, and aided by attorneys of similar antecedents and equal lack of principle, seeks only to keep within the letter of the law and avoid criminal punishment."

If this be a condition local to New York City, your committee is convinced it does not prevail in the rest of the country.

Your committee hopes that the New York Merchants Association and Mr. Elkus upon carefully re-examining the whole subject, will support the present definition of "value" contained in the Uniform Bills of Lading Act.

(c) *Action*.—It is to be hoped that the Bills of Lading Act will be finally acted on at the ensuing meeting of the Commissioners.

## VII. UNIFORM LAW GOVERNING COMMON CARRIERS OF FREIGHT.

The committee will, at the present time, add but little to what it said upon this subject in its annual report of August 21, 1908.

The "Uniform Standard Bill of Lading" recommended by the Interstate Commerce Commission on June 27, 1908, has been accepted by the carriers in Official Territory. This has been a great step in the direction of uniformity rules defining the respective rights and obligations of shippers and carriers in Official Territory. The railroads in Southern Territory, however, have declined to act upon the recommendation of the Interstate Commerce Commission, and have adopted a form of bill of lading for Southern Territory to be known as the "Standard Bill of Lading." Mr. Daniel H. Hayne has brought out an elaborate pamphlet in support of the "Standard Bill of Lading" for Southern Territory.\* A failure to have only one form of bill of lading throughout the United States tends to perpetuate local differences, and emphasizes the necessity of a uniform law on the subject of common carriers. By such uniform law it would be possible to have a clean order bill of lading and thereby increase its usefulness as an instrument of credit. In view of the multitude of other matters now occupying the attention of the Committee on Commercial Law, your committee recommends that the subject of a "Uniform Law Governing Common Carriers of Freight" be recommitted to the Committee on Commercial Law.

## VIII. A UNIFORM STANDARD FORM OF BILL OF LADING.

Until a Uniform Carrier Act can be drafted and generally enacted, a *clean* Uniform Standard Form of Bill of Lading is practically impossible. In the meantime absolute uniform con-

\* On July 15, 1909, the Board of Railway Commissioners formulated a Uniform Bill of Lading for Canada.

ditions will greatly aid in formulating a Uniform Standard Form of Bills of Lading. The American Bankers' Association, through Mr. Thomas B. Paton, its General Counsel, has addressed a communication to your committee, dated July 27, 1909, as follows:

"On the occasion of the American Bankers' Convention at Chicago, during the week of September 13, a meeting will be held of the various Bills of Lading Committees of the State Bankers' Associations in conjunction with the Committee on Bills of Lading of the American Bankers' Association.

"It has been suggested that at such time the representatives of various mercantile organizations, shippers and receivers associations, and other organizations and parties interested in the subject of Bills of Lading be invited to attend and participate, to the end that a broad discussion of the entire subject may be had covering forms of Bills of Lading, the laws governing them, and what remedies are necessary, having in view the nature and needs of the respective interests.

"Will you kindly advise if one or more representatives of the Commissioners on Uniform State Laws will attend at such meeting. A formal invitation will be forwarded you later.

"It is believed that much good can be accomplished by a general getting together of all interests on this occasion, and I trust for a favorable response."

It is suggested that this matter be committed to the Committee on Commercial Law with authority to attend the conference for the purpose of obtaining information to be reported at the next meeting of the Commissioners.

## IX. UNIFORM LAWS AFFECTING CREDITS.

Your committee has received numerous communications from individuals and Commercial Organizations as to uniform laws affecting credits. The committee agrees that laws affecting credits ought to be brought into closer harmony with the mercantile theory of credits. The committee thinks it wise to answer these communications collectively in its annual report, and will take up the various subjects of inquiry under separate heads.

(a) *Transferability of Credits*.—Commercial credits and instruments of credit and securities for credits should be given

the greatest mobility possible, and their transfer to *bona fide* purchasers for value duly protected by all proper legal sanctions. Before the passage of the Negotiable Instruments Act, but limited negotiability was given to promissory notes in a number of states. By the enactment of the Negotiable Instruments Act, full negotiability has been given to drafts, notes and checks in thirty-eight states of the United States. This has resulted in closing book accounts into commercial paper, thereby largely increasing the circulating medium of commerce, and multiplying the purchasing and productive power of capital. The Certificates of Stock Act, the Warehouse Receipts Act and Bills of Lading Act are framed upon the same theory, and will turn these instruments of credit and securities for credit into parts of the commercial currency of the United States, both for domestic and foreign trade. Both debtor and creditor can secure material relief by aiding in the passage of all these acts in all the states of the Union.

(b) *Rights and Remedies in Sales of Merchandise*.—Most commercial transactions ultimately culminate in a sale. All parties to a sale or contract to sell should know with certainty their obligation, rights and remedies. The Uniform Sales Act has answered these problems and both sellers and purchasers should aid in the passage of the Sales Act so that they may know in advance their obligations, rights and remedies. Debtors and creditors alike should therefore lend their assistance to the passage of the Sales Act.

(c) *Bulk Sales*.—There has been much complaint as to the fraudulent sale of goods in bulk. Acts to reach this evil have been passed in the thirty-five (35) states of California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington and Wisconsin. These acts were declared unconstitutional in Illinois, Indiana, New York, Ohio and Utah. New York, Utah and Ohio have

re-enacted similar acts with the unconstitutional provisions omitted. It is possible that in the future a Uniform Bulk Sales Act will be framed so that it might become uniform throughout the United States.

(d) *Conditional Sales*.—In many states conditional sales are valid without record. In other states, record is required. Where no record is required, debtors frequently perpetrate gross frauds by obtaining false credit on the faith of absolute ownership of the goods sold under conditional sales. From an economic point of view conditional sales serve a most useful purpose in enabling worthy persons with small credit to buy expensive machinery and develop numerous small industries. There ought in the near future be framed a uniform law governing conditional sales.

(e) *Chattel Mortgages*.—There is a great diversity in the law of the various states upon the subject of chattel mortgages. In the near future a uniform law upon this subject should be framed.

(f) *Exemptions from Execution*.—Exemptions granted in some states are unreasonable. In the near future a fair uniform exemption law should be framed.

(g) *Stays of Execution*.—In some states there are laws granting unreasonable stays of execution on judgments. In the near future a fair uniform law upon the subject should be framed.

(h) *Preferences*.—In many states a failing debtor may give preferences. In others preferences given within certain periods of time are invalid. There ought to be a uniform law upon the subject and a uniform period of time in which a valid preference could not be given. Some of the old abuses of preferences have been cured by the Bankruptcy Act, but there are some cases which are not reached under the Bankruptcy Act. One example would be where a receiver was appointed upon grounds other than insolvency and without application of the party who had given the preference. This should be covered by a Uniform State Law.

(i) *Distribution of Assets*.—A sharp difference of opinion prevails among courts in different states in the distribution of assets

where a debt is secured. In some states a creditor may prove for the face amount of his claim, while in others only for the difference between the face of his claim and the value of the security. The latter rule is embodied in the Bankruptcy Act and in the opinion of the Committee at some future date a uniform state law should be recommended upon the subject for the states.

(j) *Accounting*.—There is a popular impression that accounting means bookkeeping. Accounting, however, is the economies of business whose results are manifested through scientific bookkeeping. Accounting is now recognized as a profession and in the present complex business conditions, it is important in the honest and efficient administration of business affairs. Much has been done to elevate the profession of public accounting by passing laws upon the subject of Certified Public Accountants in the nineteen (19) states of California, Colorado, Connecticut, Florida, Georgia, Illinois, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New York, New Jersey, Ohio, Pennsylvania, Rhode Island, Utah and Washington.<sup>10</sup> This is a matter of so much public and commercial importance that in the near future a uniform law should be framed for the more stringent regulation of accounts, accounting, accountancy and accountants.

#### X. OTHER WORK OF THE COMMITTEE.

The Committee on Commercial Law also reports miscellaneous work as follows:

(a) On February 1, 1909, one thousand (1000) copies of the Third Tentative Draft of the Act to make Uniform the Law of Certificates of Stock were distributed.

(b) The Committee on Commercial Law held a meeting in New York City at the Waldorf-Astoria Hotel, April 19 and 20, 1909, at which were considered the Uniform Certificates of Stock

<sup>10</sup> Similar bills were introduced in the Legislatures of the District of Columbia, Indiana, Missouri, Montana, Oklahoma, Tennessee, Texas, Virginia, Wisconsin and West Virginia during the past winter but failed to pass owing to the adjournment of the Legislatures.

Act, the Uniform Partnership Act, and the Uniform Bills of Lading Act. This meeting was attended by the commercial interests of the country.

(c) Six hundred invitations were sent to prominent shippers, carriers, bankers, lawyers, credit men and numerous commercial organizations to attend this meeting.

(d) On July 15, 1909, eight hundred (800) copies of the Fourth Tentative Draft of the Certificates of Stock Act were distributed.

(e) On July 17, 1909, one thousand (1000) copies of the Fourth Tentative Draft of the Bills of Lading Act were distributed.<sup>11</sup>

(f) The Committee on Commercial Law held a meeting at the Hotel Pontchartrain, Detroit, Mich., August 17 and 18, 1909, at which the Second Tentative Draft of the Partnership Act, the Fourth Tentative Draft of the Certificates of Stock Act and the Fourth Tentative Draft of the Bills of Lading Act were fully discussed.

(g) The Committee on Commercial Law sent one thousand (1000) invitations to prominent shippers, carriers, bankers, lawyers, credit men and numerous Commercial Organizations to attend this meeting.

(h) The Committee since the last meeting of the Commissioners communicated with Governors, Private Secretaries to Governors and Chairmen of the Judiciary Committees of the Senates and Houses of Representatives of the various states in which legislatures met upon the subject of the passage of the Negotiable Instruments Act, Warehouse Receipts Act and Sales Act.

<sup>11</sup> The New York Law Journal of July 29, 1909, contains the full text and notes of the Fourth Tentative Draft of the Bills of Lading Act. This Journal is read by about ten thousand lawyers.

The Traffic Bulletin of July 31, 1909, contains a full copy of the Fourth Tentative Draft of Bills of Lading Act. The Bulletin is the official organ, not only of the carrier, but of the shipping interests, and has an extensive circulation.



(i) The Committee has carried on a voluminous correspondence on the various subjects in the hands of the Committee.

Very respectfully,

FRANCIS B. JAMES, *Chairman*,  
CHARLES F. LIBBY,  
WALTER GEORGE SMITH,  
TALCOTT H. RUSSELL,  
W. O. HART,  
CHARLES THADDEUS TERRY,  
GEORGE WHITELOCK,  
*Committee.*

Detroit, Mich., August 19, 1909.

#### XI. APPENDIX A.

In *Williston on Sales* (1909), pp. 1036-1040, "Value" is thus discussed:

"SEC. 620. VALUE. *The importance of value is to give to a purchaser from one whose title was only voidable an indefeasible title. The word 'value' is used in the Sales Act only in connection with the phrases 'purchaser for value,' or 'purchase for value.' The English Sale of Goods Act contains no definition of value, and the definition in the American Sales Act is borrowed with some changes from the Negotiable Instruments Law. The question involved has been much litigated in the law of negotiable paper, and it was almost uniformly held prior to the enactment of the Negotiable Instruments Law that the cancellation or payment of an antecedent debt was sufficient value to make an indorsee a purchaser for value. By the great weight of authority, the transfer of a negotiable instrument to secure a precedent debt also made the indorsee a holder for value. There was, however, considerable dissent from this view. Many courts have taken a distinction between chattels and negotiable paper, so that it has been generally held that taking chattels even in absolute payment of a pre-existing debt does not constitute the holder a purchaser for value. But in England, and in some states in this country, it is held that such a person is a purchaser for value. On principle the latter view seems clearly right. The cancellation of the debt is a surrender of something valuable. The answer made to this argument is that the original debt will be revived if the goods are taken from*

the purchaser, but this amounts only to saying that the value can be restored, and there is no recognized principle that a purchaser for value shall not be allowed to hold property transferred to him if the value which he has given can be and is restored to him. It is also generally held in this country that one who takes chattels as collateral security for an antecedent debt is not a purchaser for value. *Some states, however, here also regard the taker as a purchaser for value.* It is more difficult in the case of one who takes merely for security to find, logically, a giving of value than where the debt is absolutely extinguished. *It is to be observed, however, that though one who takes as security, in fact gives no value at the time of taking the goods, his subsequent conduct is almost sure to be affected by the possession of the security.* Even though forbearance is not expressly bargained for, the effect of conveying security is almost inevitably to cause the creditor to forbear or diminish his efforts to obtain satisfaction of his claim from other sources. A practical reason may be added for dealing in the same way with one who takes goods as security, and one who takes goods as absolute payment. Frequently it is easy to color a transaction so that the holder of the goods may be able to make it appear that the goods were given either as payment or security, as may be most favorable to his interests. *There seems no reason to distinguish what constitutes value where negotiable paper is purchased and where property of other sorts is purchased.* The purchaser for value of negotiable paper may get greater rights than the purchaser for value of property of other kinds, but it seems an unnecessary and undesirable complication of the law to maintain a distinction as to what constitutes value. This is especially true so far as chattel property is concerned, since such property is frequently transferred by means of bills of lading and warehouse receipts. In view of the large degree of negotiability given such documents, it would be unfortunate to distinguish them from negotiable paper in respect to the definition of value. An attaching creditor is to be distinguished from a creditor to whom the debtor has given property for security. No transfer of title by the owner of the legal title is made by mere attachment, and an attaching creditor, therefore, acquires no greater rights in the attached property than the debtor himself had. It must be observed, however, that where the defect in the title of the property is due to fraud against creditors, this rule does not apply. For the same reason that an attaching creditor is not a purchaser for value, an assignee in bankruptcy or a trustee or assignee under a general assignment for the benefit of creditors is not a purchaser for

value. *Under a proper construction of the Sales Act it seems that not only is one who takes goods in payment of or as security for an antecedent debt a purchaser for value, but so also is one who takes goods, giving in return an executory promise if the terms of the promise are such that it is 'consideration sufficient to support a simple contract.'* This doctrine is perhaps opposed to general legal understanding, *but is not unsupported by authority. Upon principle there seems no good reason why a purchaser should be deprived of the benefit of his bargain because his obligation to pay is executory.* The original owner or claimant of the goods should not have the right to deprive the innocent purchaser of the goods, but should be obliged to get relief from the enforcement, for his advantage, of the obligation of the purchaser to pay the price."

## XII. APPENDIX B.

The following attended or were represented at the meeting of the Committee on Commercial Law at the Hotel Pontchartrain, Detroit, Mich, August 17 and 18, 1909:

The American Bankers' Association,

By Thomas B. Paton of New York, its General Counsel.

The National Association of Manufacturers,

By A. Parker Nevin, its General Counsel.

The American Warehousemen's Association,

By Albert M. Read, its President.

The National Board of Trade,

By Albert M. Read, its Commissioner.

The Wall Street Journal,

By John Franklin Crowell, its Associate Editor, by letter.

The National Association of Credit Men,

By Wade Millis, Adolph Sloman, Frank R. Hamburger,  
J. M. Richardson and A. J. Gaehr.

The Michigan Central Railroad,

By Henry Russel, its General Counsel of Detroit, Mich.

The Pennsylvania Railroad,

By A. B. Burguin of Pittsburg, Pa., by letter.

The New York, New Haven & Hartford Railroad,

By F. A. Farnham of Boston, Mass., by letter.

The Bills of Lading Committee of Railroads in Official Territory,  
By Henry Russel of Detroit, Mich.

The National Industrial Traffic League,  
By Lewis B. Boswell of Detroit, Mich.

The Chesapeake & Ohio Railroad Company,  
By A. C. Rearick, its General Attorney, by letter.

The Colorado & Southern Railroad Company,  
By J. H. Bradbury, its General Auditor, by letter.

John B. Sanborn, Madison, Wisconsin.

Joseph C. France, Baltimore, Maryland, by letter.

Albert Strauss, of J. & W. Seligman & Co. of New York, by  
letter.

James Barr Ames, Dean of Harvard Law School, Cambridge,  
Mass.

Samuel Williston, Harvard Law School, Cambridge, Mass.

## REPORT

OF THE

COMMITTEE ON WILLS, DESCENT AND DISTRIBUTION.

*To the Commissioners on Uniform State Laws in National Conference:*

At the eighteenth annual conference of the Commissioners on Uniform State Laws, held at Seattle, Wash., the following resolution, offered by Mr. Walter George Smith, a Commissioner from Philadelphia, was adopted on Friday, August 21, 1908:

*“Resolved, That the Committee on Wills, Descent and Distribution be requested to report at their earliest convenience a uniform law on the subject of execution and probate of wills.”*

In accordance with the foregoing, as chairman of the committee, I prepared and sent to each member thereof, and to some of the other Commissioners, a draft of a proposed law on the subject indicated. Up to this time I have not heard from all the committee. Some have made suggestions which have been embodied in the draft, and others have suggested that, as a start had to be made, it was just as well to print the draft as prepared, send it to the members, and let it come up for discussion in due course. Therefore, I have caused what I have prepared to be printed, and submit it herewith.

W. O. HART,  
*Chairman.*

New Orleans, La., August 10, 1909.

### DRAFT OF AN ACT TO MAKE UNIFORM THE LAW OF WILLS AND THE PROBATE THEREOF.

SECTION 1. *Be it enacted, etc.,* That, in addition to wills in other forms which may be made under other laws of this state now in force or hereafter enacted, it shall be sufficient for

**REPORT**  
**OF THE**  
**COMMITTEE ON MARRIAGE AND DIVORCE.**

*To the Conference of Commissioners on Uniform State Laws:*

The Committee on Marriage and Divorce respectfully reports:

In accordance with the instructions of the Conference, the tentative acts reported by the committee at the meeting of 1908 on the subjects of Family Desertion and Non-Support and Marriage were printed, and copies sent to all of the members of the Conference, as well as to others who were thought to have an interest in the subject, asking for suggestions and criticisms. The committee has been favored with some replies, and has taken into consideration the suggestions as to changes in the form of the acts, which will appear where accepted in the final draft.

It is a pleasure to report that the State of Wisconsin has passed the Uniform Divorce Act, largely because of the intelligent and earnest efforts of some of the Commissioners for that state. Certain features relating to the assumption of jurisdiction were embodied by the Commissioners for the State of New York in an act introduced into their legislature, but owing to a misunderstanding as to the scope of the proposed amendment to the divorce laws of that state, the bill was defeated in the assembly. Your committee is informed that it is the intention of the Commissioners for New York to have the act again introduced at the next session.

The bill was introduced in the legislature of Pennsylvania, and argument presented to a meeting of the committees of the House and Senate, to whom it had been referred by the Commissioners for Pennsylvania, but owing to a determined opposition, based partly upon the jurisdictional features of

the uniform law, and partly upon certain features of practice, the bill was not reported from committee.

Your committee is of opinion that the successful operation of the law in the large and populous States of New Jersey and Wisconsin, as well as Delaware, will impress the communities of other states with its merits, and sooner or later all states retaining divorce laws will appreciate the merits of the uniform law. In the meantime every effort will be made to bring the legislatures of the different states to a realizing sense of the necessity of uniformity, especially as regards jurisdiction.

Respectfully submitted,

WALTER GEORGE SMITH,

GEORGE W. BATES,

EDWARD W. FROST,

SENECA N. TAYLOR,

JOHN C. RICHBERG,

*Committee.*

**REPORT**  
**OF THE**  
**COMMITTEE ON INSURANCE.**

*To the Conference of Commissioners on Uniform State Laws:*

Your Committee on Insurance respectfully submits the following report:

At the last meeting of the American Bar Association, held at Seattle, the Committee on Insurance of that Association made a printed report, accompanied by two bills, which they recommended for adoption in each state. The report of that committee was accepted, and the two bills were referred to the Commissioners on Uniform State Laws for their consideration, and your Standing Committee on Insurance has been requested to examine and report on the same. Your committee has attended to that duty, and submits herewith its conclusion.

The bills are as follows:

**AN ACT**

To make it unlawful to conduct the business of insurance by or on behalf of persons, associations, copartnerships and corporations not licensed to transact their business in this state.

Be it enacted by, etc.:

SECTION 1. It is hereby made a misdemeanor for any person to maintain or conduct an office, or solicit insurance, either personally, or by written or printed, or by partly written and partly printed, letters or circulars; or to write any policy, or make any contract of insurance; or to receive any money, for and on behalf of himself, or of any other person, association, copartnership or corporation, conducting any kind of insurance business in the United States, for insurance written by such person, association, copartnership or corporation; unless such person, association,



copartnership or corporation shall be licensed, by the proper authority, to conduct such insurance business in this state.

Sec. 2. Any person convicted of a violation of this act shall be fined in any sum not less than two hundred and fifty dollars, nor more than one thousand dollars, or be imprisoned in the county jail for not less than thirty days, nor more than six months, or be both fined and imprisoned as the court may adjudge.

### AN ACT

To require the annual appropriation and accounting of surpluses of life insurance companies.

Be it enacted by, etc.:

SECTION 1. Every life insurance company doing business in this state, conducted on the mutual plan or in which policyholders are entitled to a share in the profits or surplus of the company shall, on all policies of life insurance hereafter issued, if the profits or surplus upon said policies shall, by the terms of the policy, be deferred to a fixed or specified time and contingent upon the policy being in force and the insured alive at that time, annually ascertain the amount of surplus to which all such policies as a separate class are entitled, and shall annually apportion to such policies as a class the amount of surplus so ascertained, and shall carry the amount of such apportioned surplus, plus the actual interest, earnings and accretions of such fund as a distinct and separate liability to such class of policies on and for which the same was accumulated; and no company or any of its officers shall be permitted to use any part of such apportioned surplus fund for any purpose whatsoever other than for the express purpose for which the same was accumulated, and the same shall in all cases be carried as a liability and not as an asset, and the published statements of said company shall show said fund as a liability and not as an asset. Every such company shall annually place to the credit of their policyholders the share of such surplus to which each policy shall be contingently entitled.

Every company having in force any such deferred dividend policies hereafter issued shall also at the time of the mailing of

the annual premium notice, furnish to each such policy-holder an annual statement showing the contingent surplus accumulation to the credit of the policy at the beginning of the preceding year, the rate of interest earned on the accumulation, the amount of saving and profit contingently credited to said policy during the preceding year, with a showing of the total amount of the surplus accumulation then contingently credited to the policy, and a showing of the total amount of surplus accumulation credited to all of said policies as a class, which statement shall be made in accordance with the following form:

STATEMENT OF ANNUAL APPORTIONMENT OF SURPLUS.

Policy No..... Distribution period.....yrs. Age  
at issue..... Surplus accumulation contingently  
credited to policy as per last annual statement.... \$.....  
Total surplus on policies of this class \$..... Interest  
credit \$..... Net rate earned by company, ..... per  
cent. Savings and Profit additionals for year.....\$.....  
.....

Total, \$

.....  
*Secretary.*

- SEC. 2. This act shall not apply to industrial policies.
- SEC. 3. No company failing to comply with the conditions of this act within ninety days after it takes effect shall be permitted to transact its business in this state.
- SEC. 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.
- The first bill, as stated in the report of the committee of the American Bar Association, is directed against fire insurance companies known as "Wildcats"; their "business is confined to the issuance of worthless fire insurance policies; they pay no losses, and they conduct it mostly through the United States

mails. The problems connected with this species of knavery have given rise to much discussion, and efforts to check it have been from time to time put forth, not only by the officers of the companies writing legitimate insurance, but by the National Conventions of the State Insurance Commissioners."

This act would furnish a remedy for what is recognized as a serious and growing evil in the insurance world, and your committee would recommend it for favorable action by the Conference.

The second bill presents more difficulties, and has received the careful consideration of your committee. The Armstrong investigation disclosed the evils which have attended the accumulation of these deferred dividends in the hands of the large insurance companies, many of which treated them as surplus and not as liabilities. They invited extravagance, speculation and misuse of funds, and were a prolific source of the scandals disclosed by that investigation. The committee in its report says, "The deferred dividend policy, which is the most expensive form of life insurance written, is virtually under the ban. Policies of this sort are forbidden in New York and some of the other states. They have been abandoned by most of the companies of whose solvency there is no doubt, and ought not longer to be written by the younger struggling concerns whose business is largely local, and whose solvency is a matter of doubt." Such prohibitory legislation strikes at the root of the evil. The bill under consideration permits the issuance of such policies, but requires the annual appropriation and accounting of the surplus arising from deferred dividends; but in doing so it is dealing with a fluctuating fund dependent upon contingencies which attach specially to this form of policies, and is entering upon technical details affecting the business of life insurance on which actuarial experts are not agreed. An examination of the bill has disclosed some ambiguities and suggested criticisms, some of which it may be wise to mention. The act has reference only to policies hereafter issued, as the earlier form of bill which affected existing policies was not approved by the Bar Association, having been attacked

at the meeting in Portland as unconstitutional, for the reason that it impaired the obligation of existing insurance contracts.

The words, "shall . . . annually ascertain the amount of surplus to which all such policies as a separate class are entitled, and shall annually apportion to such policies as a class the amount of surplus so ascertained" (lines eight to thirteen of printed bill), would seem to make obligatory the calendar-year method of apportionment, for it is only by calendar years that the company can "annually ascertain the amount of surplus to which" any class of policies is entitled. From day to day the amount of surplus to which any class of policies is entitled varies, and it is only with reference to a fixed point of time that such amount can be "annually ascertained." The next phrase in the bill, however, "and shall carry the amount of such apportioned surplus, plus the actual interest, earnings and accretions of such fund as a distinct and separate liability," would appear to be appropriate in connection with the policy-year method of distribution. If any apportionment is made on each policy anniversary, it is appropriate to speak of such apportioned surplus "plus actual interest, earnings, etc.," meaning the earnings accrued between the date of apportionment and the succeeding 31st of December. If, on the other hand, the policy-year method is not contemplated, there would seem to be no sense or significance in adding the words, "plus actual interest, etc." This whole provision is extremely vague, and if it makes obligatory a calendar-year method of apportionment, or if it makes obligatory the ascertainment of the aggregate amount to be apportioned prior to the annual apportionment thereof, it would be objectionable and not practicable of execution. It would necessitate an entire revolution in the actuarial methods of many companies. A further objection is that even if the prescribed method could be made to work satisfactorily for new policies, there would be an awkward break on old policies at the point where the new method was substituted by the old. Policy years and calendar years do not fit together. It would appear as if the companies would have to compute a *pro rata* apportionment of surplus from the policy anniversary

to the 31st of December—a period which, of course, would vary anywhere within the limits of a year. There would, therefore, be an irregular credit on each policy. There would be no uniformity in the credits on policies issued in the same year. There would have to be a further irregular apportionment from the last 31st of December in the deferred dividend period up to the date at which that period expired. It would be impossible to arrange a basis of calculations in such a way that these two irregular apportionments, together with the intervening calculations, should produce precisely the same results at the end of the period of deferment for all policies issued in the same calendar year. The complications arising out of such a condition can hardly be established or foreseen. The bill further provides (lines 18-19) that the “published statement of said company shall show said fund as a liability and not as an asset.” The “and not as an asset” would seem to be unnecessary and objectionable, and should be omitted. The fund must enter into the assets of a company, but is offset by a liability so as not to show as a surplus.

The latter part of the first section of the bill makes it obligatory upon the companies to send an analyzed statement annually to each policy-holder. This seems an unnecessarily onerous provision. It would be sufficient to require that such analyzed statement be sent only upon request. To send out such statements to all policy-holders involves great and needless labor. This, however, is the least objectionable feature of the provision in question. In line thirty occurs the phrase, “at the beginning of the preceding year.” There is nothing to indicate whether this means policy year or calendar year, although, as reference is made to the annual premium notice, it would seem more reasonable to interpret the word “year” as meaning policy year. The question then arises what is the meaning of the word “preceding”? The premium notice for policies renewable in January, 1909, are generally mailed in November, 1908. Does this bill require that a statement of the amount to the credit of the policy on its anniversary in January, 1907, together with the accretions during the policy year 1907-8, shall be sent

out in November, 1908, with the renewal notice for the 1909 premium; or does it require that the statement then sent should show the credit on the anniversary in January, 1908, with the accretions for the policy year 1908-9? The words, "then contingently credited," in line thirty-four, would seem to favor the latter interpretation. Such a course would be entirely impracticable, as the 1909 credits are not calculated until July or August of that year; and even if it were possible to make such a change in the basis of computation as to render it feasible to calculate these credits at an earlier period of the year, it certainly would not be possible to know by November, 1908, what credits the company intended to apportion to policies on their anniversaries in 1909. It would seem sufficient to require the companies to file all requests for statements until the calculation of the year's credits are completed in the latter part of the summer, and then furnish these statements as of the policy anniversary of the current year.

The form of statement also is objectionable. Running through it, and, indeed, through the whole bill is the confusion between the policy year and the calendar year. The words "last annual statement," in line thirty-seven, must have reference to the last annual statement made to the policy-holder of his accumulations, not to the last annual statement made by the company as of December 31. In line thirty-eight, however, "Total surplus on policies of this class," presumably has reference to the 31st of December. Such item can be of no interest to the policy-holder in connection with his own policy, and appears to be out of place in a statement of the accumulations on any individual policy. It is also objectionable that the companies should be required to state the net rate earned. There are so many ways of computing the net rate that no two authorities are agreed upon what the net rate really is. The Insurance Department of Connecticut for a year or two published a table of net rates earned by various companies, but abandoned it, giving as a reason that no method of computing the net rate of interest could be devised that was fair to all companies.

These criticisms illustrate the difficulty of attempting to legis-

late upon details of a complicated business like life insurance, and suggests the improbability of uniform legislation by the several states of the union upon such a subject as is presented by this bill. If uniform legislation were to be attempted, it should be directed, in the opinion of your committee, to a prohibition of the issuance of deferred dividend policies, and not to the regulation of an annual apportionment of a fluctuating fund.

The insurance commissioners, under existing legislation in some of the states, can require the insurance companies to make annual statements upon many of the matters covered by this bill; such as the number and amount of deferred dividend policies in force, the number terminated during the year, the amount set apart, or ascertained, or held awaiting apportionment at the beginning of the year, and the amount and source of all additions or deductions from such funds.

In states where such legislation does not exist, the powers of the commissioners can be readily enlarged so as to enable them to obtain the necessary information.

As a result of their consideration of this subject, your committee do not recommend the adoption by the Conference of this bill.

In case the Conference deems it wise to deal with this subject, your committee are prepared to submit their judgment as to a proper form of bill.

Respectfully submitted,

CHARLES F. LIBBY, *Chairman*,  
R. W. WILLIAMS,  
OLIVER A. HARKER,  
TALCOTT H. RUSSELL,  
JOHN C. RICHBERG,  
ALFRED BATTLE.

**REPORT**  
**OF THE**  
**COMMITTEE ON APPOINTMENT OF NEW COMMISSIONERS.**

DETROIT, MICH., August 19, 1909.

*To the Conference of Commissioners on Uniform State Laws:*

On behalf of the Committee on Appointment of New Commissioners, we beg to report the following appointments since the last Conference:

ARKANSAS: John Fletcher, Little Rock, reappointment; J. M. Moore, Little Rock; Ashley Cockrill, Little Rock.

CALIFORNIA: Walter R. Leeds, Los Angeles, has been appointed an additional Commissioner.

IDAHO: James E. Babb, Lewiston; Fremont Wood, Boise; W. W. Woods, Wallace.

INDIANA: The following Commissioners have been appointed in place and stead of those heretofore on the roll, none of whom were reappointed: Andrew A. Adams, Columbia City; E. B. Sellers, Monticello; S. O. Pickens, Indianapolis; James W. Noel, Indianapolis; Merrill Moores, Indianapolis.

KANSAS: C. W. Smith, Stockton, reappointed; A. A. Godard, Topeka, reappointed; S. H. Allen, Topeka; F. S. Jackson, Topeka; S. M. Hawkes, Stockton, to succeed J. O. Wilson; and H. M. Jackson and John D. Milliken.

KENTUCKY: John T. Shelby, Lexington; James H. Duffin, Louisville; T. L. Edelen, Frankfort.

MASSACHUSETTS: James Barr Ames, Cambridge, reappointment; Samuel Ross, New Bedford; H. R. Bailey, Cambridge.

MICHIGAN: George W. Bates, Detroit, reappointment; Laurence C. Fyfe, St. Joseph; Cyrenius P. Black, Lansing; the last two in place and stead of C. W. Casgrain and Wesley W. Hyde.



MISSISSIPPI: A. T. Stovall, Okolona, to succeed S. S. Calhoun, deceased.

MISSOURI: Seneca N. Taylor, St. Louis, reappointment; John D. Lawson, Columbia; E. A. Krauthoff, Kansas City.

NEBRASKA: Wm. G. Hastings, Wilbur, to succeed Roscoe Pound, removed from state.

NEW JERSEY: John R. Emery, Newark, to succeed Woodrow Wilson; J. R. Hardin, Newark, reappointment; Frank Bergen, Newark, reappointment.

NEW YORK: Albert Moot, to succeed William H. Hotchkiss, resigned. Mr. Moot, however, has declined the appointment.

OREGON: W. H. Fowler, Portland.

PENNSYLVANIA: Robert Snodgrass, Harrisburg, to succeed C. LaRue Munson, resigned.

PHILIPPINE ISLANDS: E. Finley Johnson, Manila; Charles S. Lobingier, Manila; Charles H. Smith, Manila.

RHODE ISLAND: Clarence N. Woolley, Providence, to succeed Samuel C. Blaisdel, resigned.

NORTH CAROLINA: Charles A. Moore, Asheville, to succeed F. H. Busbee, deceased.

SOUTH CAROLINA: T. Moultrie Mordecai, Charleston, reappointment; J. C. Sheppard, Edgefield; J. P. Thomas, Columbia.

TENNESSEE: H. H. Ingersoll, Knoxville, reappointment; Lem Banks, Memphis; W. H. Washington, Nashville.

UTAH: Jerrold R. Letcher, Salt Lake; Benner X. Smith, Salt Lake; L. L. Baker, Tooele, to succeed the former Commissioners, none of whom were reappointed.

WASHINGTON: W. B. Tanner, Olympia, has been appointed an additional Commissioner.

WEST VIRGINIA: John W. Davis, Clarksburg; Hunter H. Moss, Jr., Parkersburg; Charles W. Dillon, Fayetteville; William W. Brannon, Weston; Edgar B. Stewart, Morgantown.

WISCONSIN: Charles McCarthy, to succeed A. W. Sanborn.

WYOMING: W. E. Mullen, Cheyenne; Edward T. Clark, Cheyenne; Charles N. Potter, Cheyenne.

As will be seen from the foregoing, the States of Idaho, Kentucky, West Virginia and Wyoming, and the Philippine Islands, are represented in the Conference for the first time. Tennessee is also practically represented for the first time, for though Mr. Ingersoll appeared on the rolls one year as a Commissioner, his appointment lapsed. Massachusetts is again represented by three Commissioners.

Mississippi, though it has had members on the roll for several years, has never been represented, but it is expected that the new Commissioner will be present this time.

The States of Arkansas and South Carolina now have the usual number of three Commissioners, as has Missouri.

Oregon, California and Washington have each appointed an additional Commissioner, and the vacancies caused by death in North Carolina and Mississippi have been filled. The vacancies in Pennsylvania and Rhode Island, caused by resignations, have been filled. The vacancy in Nebraska, caused by the removal of Mr. Pound, has also been filled. The only states not now represented are Delaware and Nevada, and the Territories of Alaska and Hawaii, and the insular possession of Porto Rico.

It is hoped that all of these may come in before the next Conference.

AMASA M. EATON, *Chairman.*

WALTER E. COE,

W. O. HART,

WALTER GEORGE SMITH,

FRANCIS M. BURDICK.

# REPORT

OF THE

COMMITTEE ON PURITY OF ARTICLES OF COMMERCE.

*To the Conference of Commissioners on Uniform State Laws:*

In their report of last year, your committee recommended that all states that had not already done so, should enact laws upon this subject in conformity with the federal act. Federal laws controlling foods must be supplemented by state legislation to control the foods produced and sold wholly within the state, and the adulteration and misbranding after foods have been received into the market of the state from outside of the state. Under this dual state and federal system it is imperative that there should be no conflict of laws, and that a single uniform rule should operate equally in all the states. There must, therefore, be uniform laws throughout the states, uniform methods of detecting adulterations, uniform conclusions as to questions of fact and as to what constitutes adulteration or misbranding. At the present time over twenty states have adopted the Federal Food and Drug Act, without substantial changes, and at least twelve other states have enacted laws on the subject, with more or less variance in the several statutes. There is a tendency noticed in some proposed food legislation to go further than does the federal law as, for example, to provide standards for all and every food product, while the federal act stops with merely prohibiting adulteration and misbranding of such products. Other proposed legislation requires that the weights of all packages shall be indicated, while the federal act only requires that if the weight is indicated it shall be the true weight.

The control of the food supply of its people is one of the most important duties of the state, and unnecessary or unreasonable legislation and restriction, as well as lack of uni-

formity of all laws controlling, interferes with the natural laws of supply and demand and enhances the cost of food products. It is the conclusion of your committee, therefore, that this Conference should again urge the adoption by all of the states of the Federal Food and Drug Act, with only such changes as are necessary to give the law force in each state; that this Conference should also add to its recommendation the admonition that any attempts by the states to amplify the present provisions of the federal law will only tend to create confusion and conflict of laws; and further, that if changes in existing laws or more laws are eventually found necessary for the best interests of all, that such changes could perhaps best be made by the people, through their representatives in Congress, making such changes in the federal law, and then incorporating such changes into the laws of the several states.

Respectfully submitted,

WILLIAM H. STAAKE, *Chairman*,  
ERLISS P. ARVINE,  
ALDIS B. BROWNE,  
ROBERT S. TAYLOR,  
WALTER E. COE,  
S. H. LOVE,  
ROME G. BROWN.

## REPORT OF COMMITTEE

### ON THE

### TORRENS SYSTEM AND REGISTRATION OF TITLE TO LAND.

#### *To the Conference of Commissioners on Uniform State Laws:*

This committee has had nothing referred to it, except in the most general terms. So far as we are advised, there has been no legislation during the past year extending the Torrens System in any of the states which have heretofore adopted it, nor has it been adopted in any other state.

Your Chairman, in an address delivered to the Louisiana State Homestead League, at its annual meeting at Shreveport, La., on April 16, made a strong plea for the adoption of the system in that state, and a copy of his address is made part of this report (omitted in printing). It was favorably commented on editorially by the New Orleans "Times-Democrat" soon after, and a copy of that editorial is also annexed (omitted in printing). It appears that opposition to the introduction of the system in Louisiana is not as strong as it was when the commission appointed by the Governor on the Torrens System made its report to the legislature in 1906, and it is possible that the commission may press the matter before the legislature at its session next year. At the meeting of the Louisiana Bar Association, held at Alexandria, La., in May, there was considerable discussion, at the request of the commission which is revising the civil code, as to the best method of perfecting and preserving titles and the registration thereof. Many plans and suggestions were presented, and Mr. Justice Provosty, of the Supreme Court, who is Chairman of the Torrens Commission, in his short address announced that the simplest remedy for the evils complained of and the difficulties encountered was the adoption of the Torrens System; and that while he was not prepared to

say that the time had yet come to press it upon the legislature, it was only a question of time when it would be adopted in the state. As will be seen by the address of your Chairman before referred to, the office of notary public in the State of Louisiana, and particularly in the City of New Orleans, is one of great dignity, responsibility and profit. The notaries of New Orleans have in the past opposed in every way the Torrens System, but some of the former opponents are now in favor of it, and if the notaries of New Orleans can be gotten to endorse it, as may be the case later on, its adoption will be almost certain.

The matter has recently again been discussed by the press of New Orleans, and annexed to this report is an interview with Mr. Solomon Wolff, an eminent lawyer of New Orleans, and a member of the Torrens Commission, and an editorial in the "Times-Democrat" on the subject, both published July 27, which give substantial reasons (omitted in printing) why the system should be adopted in Louisiana, and it is the hope of your Chairman that when the Conference next meets he may be able to give some encouraging news, either of the passage of the law, or of its passage in the near future.

Respectfully submitted,

W. O. HART, *Chairman*,

WALTER E. COE,

HIRAM GLASS,

CHARLES THADDEUS TERRY.

**REPORT**  
**OF THE**  
**COMMITTEE ON PUBLICITY.**

*To the Conference of Commissioners on Uniform State Laws:*

Since the holding of the last Conference at Seattle, Washington, your committee has endeavored in every way possible to bring and keep before the public the work of the Conference. The President of the Conference, who is a member of the committee, has made several addresses during the year, notably before the National Association of Credit Men, and before the Commercial Law League of America during its annual convention at Narragansett Pier, Rhode Island, last month. Both of these addresses, which were on the general subject of uniformity of legislation and uniform laws, gave in detail the history and work of the Conference, and were noticed by the press throughout the country.

The Chairman of the committee placed before Mr. F. J. Haskin, a syndicate writer, an article from whom appears daily in some paper in almost every city and town of the United States such literature of the Conference as explained its work and purposes, and as a result thereof Mr. Haskin wrote an article which was published throughout the country on April 19, 1909, a copy of which is a part of this report. (Exhibit omitted in printing.)

The Secretary of the Conference, a member of the committee, has had published in the New York "Law Journal" the full text of our Bills of Lading Law and our Transfer of Stock Law, and the editorial comments of the "Journal" are made part of this report. (Editorial comments omitted in printing.) He also forwarded material to several persons in Detroit, who were in a position to obtain publicity for the Conference, asking

them to call the attention of the newspaper press to the work of the Conference, to its approaching session, and to the approaching meetings of the Committee on Commercial Law and the Executive Committee. He also prepared, for the use of the newspapers of Detroit, some material which could be used by them as the basis of editorials, and requested them to so use it. How well the Secretary did this work is shown by the extended newspaper accounts given to the meetings of our committee and our work in general previous to the meeting itself. Special attention is called to an editorial in the "Detroit Free Press" of August 18, which is made part of this report. (Editorial omitted in printing.)

The President of the Conference and the Chairman of this committee had an interview in New York last April with Mr. R. M. Easley, the Executive Secretary of the National Civic Federation, under whose auspices the President of the United States has called a national convention for next January to discuss uniformity of legislation. Mr. Easley, it seems, knew little of our work, but when it was explained to him he at once appreciated its value and importance, and all the members of the Executive Committee of the Conference and the Chairman of the present committee have been placed on a special committee of the National Civic Federation, which committee is charged with the organization of the national convention above referred to. In the "National Civic Federation Review" for July, is contained an article by our President on Uniformity of Legislation.

The Secretary has also been in communication for some time with Mr. Easley, Chairman of the Executive Council of the National Civic Federation, and had an extensive conference with him, and in both ways has so put matters before him that, in addition to the work which has been previously done with Mr. Easley, further publicity of our purposes and objects will be secured in the "National Civic Federation Review," and in the press in general, in connection with the meeting to be held in Washington in January next.



The Chairman of this committee has also had several notices in the newspapers regarding this Conference, and the meeting of the Committee on Commercial Law which precedes it.

Particular attention is called to an article from the "New Orleans Picayune" of August 13, 1909, made part of this report. (Omitted in printing.)

He has also taken the matter up with the agent of the Associated Press at Detroit, Michigan, and hopes that extended notices of our present meeting may go throughout the country.

Respectfully submitted,

W. O. HART, *Chairman*,  
CHARLES THADDEUS TERRY,  
AMASA M. EATON.

Detroit, Mich., August 19, 1909.

**REPORT**  
**OF THE**  
**COMMITTEE ON VITAL AND PENAL STATISTICS.**

DETROIT, MICH., August 19, 1909.

*To the Conference of Commissioners on Uniform State Laws:*

The Committee on Vital and Penal Statistics respectfully submits this, its report:

At the eighteenth annual Conference this committee submitted a form of proposed uniform law on the subject of the registration of births and deaths, in obedience to a request of the Conference adopted at its previous annual meeting, which proposed measure is still awaiting action by the Conference; and should it happen that the Conference will at this session take up this draft for consideration, it is a matter of extreme regret on the part of the members of this committee that none of them are able to be present this year, to explain or defend, as the case may be, the various provisions of the draft submitted by the committee, but we have no doubt that the Conference in its wisdom will take appropriate action.

The President of the Conference, in his address presented to the eighteenth annual meeting, used the following language:

“The report of the Committee on Uniform State Laws of the American Bar Association submitted August 27, 1907, to the Association at its meeting in Portland, Maine, recommended the passage of the following resolution:

“*Resolved*, That this Association recommend to the Conference of Commissioners on Uniform State Laws that they frame the draft of a law to be proposed to the several states for their enactment, establishing a state bureau for the identification of criminals.

“The report was read and approved, and the above resolution was adopted. I therefore recommend the appointment of a special committee on this subject.”

The Executive Committee, having considered the matters re-

ferred to in the address of the President, recommended, among other things:

“ 3. That that portion of the address referring to state bureaus for the identification of criminals, be referred to the Committee on Vital and Penal Statistics.”

This recommendation of the committee was adopted by the Conference, and this committee has given consideration to the subject, but is not prepared as yet to submit a report, and requests that it may be given further time in which to submit one.

In a letter that the Chairman of this committee received from the President of the Conference during the year, it was suggested that this committee consider that portion of his address presented to the Seattle meeting that treated of the numbering of cases; but with a very great respect for the suggestion of the President, the committee find that the last Conference adopted a recommendation of the Executive Committee in its report referred to above, referring this question to the incoming Executive Committee for its consideration, and as the Committee on Vital and Penal Statistics have received no word from the Executive Committee on the subject, it feels that it is not called upon to make a report covering the matter at this time.

The Committee further desires to state that in the above-mentioned letter from the President of the Conference, he referred to it the subject of indeterminate sentences, parole and adult probation. It has been quite, impossible for this committee to deal with this important question in any adequate way, and it will not be able to do so before, at least, the next Conference. It concludes its report with the suggestion that it would be glad to be advised whether the Conference has any preference for the two subjects which apparently the committee is called upon to deal with, that is the one referring to state bureaus for the identification of criminals, and the other subject, of indeterminate sentences, parole and adult probation; a preference, we mean, as to which the committee should first report upon.

Respectfully submitted,

F. L. SIDDONS, *Chairman*,

ALDIS B. BROWNE,

WALTER C. CLEPHANE.

**REPORT**  
**OF THE**  
**COMMITTEE ON UNIFORM INCORPORATION LAW.**

*To the Conference of Commissioners on Uniform State Laws.*

Your committee, in its report submitted at the last session of this Conference, recommended that a tentative draft of a uniform incorporation law be formulated, and that the work thereon be prosecuted forthwith, both by the committee and by the Conference, with all the vigor and seriousness which both the subject and the condition of the law of incorporation warranted. In view of the fact that this committee proposes to submit a draft at this meeting, a brief review of the situation, and a suggestion, as to what that situation demands, may not be deemed inadvisable.

A most familiar spectacle in the present condition of the laws regulating incorporation, is the importation into a state of the corporate creatures of other states with powers unknown, because practically unlimited, and with licenses so broad that they become a menace to the public interests. It has become an all too frequent practice for incorporators about to organize to seek out and employ for their purpose the incorporation law of that state which will give them the maximum of opportunity for speculative purposes with the minimum of responsibility for their acts. The result of this is that to a large extent lax and ill-advised laws are given, under the cover of state comity, operation in a state whose own incorporation laws are more wholesome and honest ones. The legislatures of some of our states have put upon their statute books incorporation laws which are attractive invitations to promoters of other states to avoid the just and proper restrictions imposed by their home jurisdictions.

In respect to other branches of law, divergence among the laws of the various states has been a natural, unconscious growth, whereas, in the matter of incorporation laws, the divergences and variations have been to some extent, at least, knowingly and consciously created for the very purpose of inducing intending incorporators to avail themselves of what they are pleased to call the "advantages" of the more liberal law. It has reduced itself in some quarters to a matter of competition for the incorporation business of the country. The vigor of this bidding for incorporation business and fees, and likewise the scandal of it, grows year by year. The competition extends not only to taxes, and likewise fees, but to powers, freedom from responsibility and attraction afforded by secrecy, and freedom from the necessity of making reports. The result has been that the investing public and the commercial interests which become creditors of such corporations are swindled.

In addressing the Pennsylvania State Bar Association, in 1903, James B. Dill traced what he considered the gradual letting down of the bars against corporations in the State of New York, which he intimated had been done, not because the laws in New York were any more severe than was proper for the protection of the investor, and of the creditor public, but simply to prevent the exodus of capital to the State of New Jersey which, by its liberality, had become the Mecca of the great corporations. He asserted that the modern view is that the state is not to be deemed a guarantor of the responsibility of corporations, and suggested that until that view should be recognized fully in other states, New Jersey's practical monopoly of the trade in incorporation would continue.

Mr. Alonzo Hoff, of the Springfield (Illinois) Bar, while discussing the corporation problem at the annual meeting of the Illinois State Bar Association, in 1908, took occasion to describe the ludicrous extent to which some of the states have gone in taking advantage of the comity of the others in the matter of competing for the business of incorporation and advertising their wares, consisting of low taxes, small license fees,

secrecy of operation, absence of accountability, irresponsibility of officers and directors, and full liberty of disposition of assets.

The great evil of the present system is that its efficiency is hardly greater than the weakest and most pernicious of the various corporation statutes. Whatever safeguards a local law may provide, it is now common to find in every jurisdiction "tramp corporations" with all of their assets furnished by the creditors, their management in the hands of mere employees, and all control and even information denied to the actual investor. When the scheme fails, the full extent of the disastrous neglect of the rights of the public permitted by these capital-luring laws is revealed. What little property the corporation has is mortgaged far beyond its value as security for its bonds. There is not and never was capital to secure its general indebtedness. The entire loss falls upon the deceived creditors and investors, while those on the inside go on their way rejoicing. The Hon. Peter S. Grosscup, of the United States Circuit Court of Appeals for the Seventh Circuit, addressing the Ohio State Bar Association in 1905, tells of "a million-dollar corporation in three years in the bankruptcy courts, with assets of only \$25,000 and debts of \$100,000."

The opposition which will inevitably be met in any attempt to better our corporation laws should not daunt this Conference. Its duty is plain. The best legal thought of today is directed toward the restraint of the profligate distribution of franchises and special privileges. The question has passed the bounds of mere discussion, and reform must be forthcoming from some source. Bar Association reports and legal periodicals of the past several years are filled with suggestions for reform, all of which are along the same general lines, to wit, laws to prevent the launching of corporate enterprises unsecured by actual capital; to prevent the dissipation or inflation of such capital after the commencement of business; to furnish complete publicity, and to hold to their full accountability the persons who attempt to perpetrate business frauds of any kind under the protection of a corporate franchise.

Mr. Henry Hitchcock, of the St. Louis (Missouri) Bar, addressing the American Bar Association, as early as 1887, said, in part:

“No private business corporation should be permitted to organize or exercise corporate powers until the full amount of its proposed capital stock is not only subscribed, but either actually paid up or payment secured within a reasonable time; nor should it be permitted to create any bonded or mortgage indebtedness without the consent of the stockholders specially given at a meeting called for that purpose (as now provided by the Constitution of several states), nor without proper restrictions both as to the total amount of such indebtedness, which the New York Business Corporation Act limits to one-half the value of the corporate property, and as to the uses to which money so borrowed may be applied.

“No private corporation should be allowed under any circumstances to incur current liabilities or floating debts beyond a fixed proportion, not exceeding two-thirds, of the actual cash market value of its unencumbered assets; directors permitting any violation of such requirements to be personally liable for the corporate debts. Every private corporation should be required to file, not only with the Secretary of State, but in some convenient public office at its place of business, at least once in three months, a particular account on oath of its assets and liabilities, such as will enable creditors and others interested, without application to its officers, to learn its true position.

“Suitable provision should be made for the enforcement, by proper state officers, and by summary proceedings in court, of these general requirements; and any person interested as stockholder or creditor should be authorized, under proper conditions and security against vexatious attacks, to institute proceedings thereunder.”

Warner M. Bateman, of the Cincinnati (Ohio) Bar, addressing the Ohio State Bar Association in 1895, makes the following recommendations:

“The incorporators should be required to provide at the outset an adequate capital by stock subscriptions for the full amount of the capital fixed in the certificate, and a sufficient percentage thereof required to be paid before the corporation shall be permitted to organize, and, in the absence of such subscription and payment, if any organization is attempted, those engaging in it should be held liable as partners. The right to receive property

in payment of subscriptions should be strictly limited to such as is needed for the actual uses of the corporation, to be valued in the mode prescribed by law. Where corporations are organized by running concerns, the property conveyed should be appraised by disinterested appraisers, and should be transferred without incumbrance of partnership indebtedness, and should exclude partnership claims, so that the creditors of the new corporation should have *bona fide* and real capital as the security for the credit given to it, to the amount of the capital certified in the certificate of incorporation.

“It should be incumbent on the officers and stockholders, in order to protect the corporation, to keep up and maintain the fund, holding it in trust and keeping it substantially intact for the purpose for which it was provided. Whenever the capital becomes so impaired as to no longer furnish security for the payment of the corporate debts, every debt thereafter contracted, should be personally chargeable against the officers and stockholders of the corporation, having notice of such condition.”

Major Thomas C. Elder, President of the Virginia State Bar Association, in addressing that body, at its annual meeting in 1902, discussing a new corporation law for the State of Virginia, advocated (1) that the purpose of the corporation should be single; (2) that the maximum capital stock should be limited; (3) that consolidation should be carefully regulated; (4) that stockwatering should be prohibited; (5) that the managing board and officers should be held to rigid accountability; (6) that the minority stockholders be afforded all possible protection; (7) that reliable information as to assets and liabilities be made available to the public.

The principal topic for discussion at the 1905 annual meeting of the Ohio State Bar Association was, “What changes, if any, can be made in the law defining the purposes for which corporations may be formed, and regulating their management, which would operate for the benefit of the public, and obviate the necessity for federal action on the subject?”

Among the gentlemen who read papers on this topic, Thomas H. Hogsett, of the Cleveland (Ohio) Bar, suggested that if the corporation is to go forth with unlimited powers, it should do so with commensurate responsibilities. Legislation to protect stockholders and creditors should aim to furnish complete pub-



licity regarding these matters, and to hold responsible those persons who participate in false publications of them.

Mr. Alonzo Hoff, whose remarks are referred to above, recommends that corporation laws should aim to require (1) that the amount subscribed be paid in before the commencement of business; (2) that property taken in payment for subscriptions be appraised by disinterested persons; (3) that the principal officers of the corporation be subject to the jurisdiction of a court; (4) that business be conducted in a *bona fide* manner.

Judge Grosscup, in his address before the Ohio Bar Association, before referred to, says:

"The problem is not, gentlemen, how to regulate the corporation in the matter of prices it shall charge. That is one of the problems, but it is not the great problem. The problem is not how to hamper or destroy the corporation; the corporation is one of civilization's agencies toward the betterment of mankind. The problem is how to make the corporation honest."

Again he says:

"And what I ask you, gentlemen, today, if I have done anything at all today toward dropping a thought into your mind, what I ask you to do is to promulgate the policy of corporation regeneration."

The same judge, in another address, which will be found quoted in part in 40 American Law Review, at page 430, says:

"Corporations have got into the suspect class. They must be got back into the transformation state again. . . . Let the law compel every corporation to limit its advertised capital to the actual value of its assets. Let the state which for a price will sell a corporation a charter to go free-booting for the savings of the humble all over the country, be denied the right to issue such charters."

It remains to consider how reforms are to be effected. Some believe the adoption of a national incorporation law is the only possible solution. Others think that the proper point of attack is the state legislatures. Your committee has before recommended that a combination of these plans would produce the most beneficial results. While the advantages of a national system are apparent, even that would not remedy all the evils of the present system, and it is not probable, in view of the

tenacity with which the states cling to their sovereign rights, that, so long as other remedies are possible, a national incorporation law will be anything less than the work of many years. A law uniform throughout all the states, territories and federal districts, providing the same form of incorporation, the same extent of powers, the same amount of security for the investor and for the public, the same system of internal regulation, and the same amount of publicity for all corporations which are allowed to do business within the borders of any jurisdiction, is a possible remedy in the meantime.

Your committee, therefore, recommends to your consideration the draft of an act to make uniform the law of incorporation of business corporations, which is respectfully submitted herewith.

All of which is respectfully submitted,

JOHN C. RICHBERG, *Chairman.*

CHARLES THADDEUS TERRY,

SENECA N. TAYLOR,

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*Committee.*

Dated August 19, 1909.

#### DRAFT OF AN ACT TO MAKE UNIFORM THE LAW OF THE INCORPORATION OF BUSINESS CORPORATIONS.

NOTE.—When the “common law” is referred to in the notes to any of the sections of this Draft, what is meant thereby are those principles, usages and rules of the law of corporations which do not rest for their authority upon any expression and positive declaration of the will of the legislature.

The work referred to in the notes as “Frost” is that entitled “Incorporation and Organization of Corporations.”

SECTION 1. *Persons Who May be Incorporators.*—Three or more natural persons of full age, two-thirds of whom are citizens of the United States, may become a stock corporation for any lawful business purpose or purposes, except banking, insurance.

brokerage, loaning money, public service, or any business which shall need to condemn lands or occupy highways.

NOTE.—Three or more incorporators are required in all except the following states: Iowa and Nebraska, one; Arizona, Georgia, Mississippi, South Carolina and Washington, two; Hawaii, Kansas, New Hampshire, Ohio, Tennessee, Utah, Vermont, West Virginia, five.

Requirements exist in fourteen states and territories that at least one incorporator shall be a resident thereof, but the constant tendency of recent laws has been to do away with this restriction. As this act provides so easy a means for the obtaining of a license to do business by a foreign corporation formed under its provisions, such a requirement seems unnecessary.

Even in states where the statute does not limit incorporators to *natural* persons, the word "persons" does not include corporations. (C. R. R. of N. J. *vs.* P. R. R. Co., 31 N. J. Eq. 475; Factors' and Traders' Ins. Co., *vs.* Co., 37 La. An. 233.)

Only a few states, notably, Alabama, Virginia and West Virginia, permit the special classes of corporations excluded from incorporating under this act to incorporate under their Business Corporation Law. Such corporations require special provisions which are provided in most jurisdictions. In Georgia, Indiana, Michigan, Pennsylvania, Tennessee and Texas, different kinds of business are classified in the statute, and generally incorporation for business purposes, including more than one class, is forbidden.

SEC. 2. *Articles of Incorporation.*—Incorporation shall be accomplished upon the issuance of a certificate of due incorporation by the Secretary of State, after all taxes required by law shall have been paid, and articles of incorporation signed and sealed by each of the incorporators and acknowledged as a deed, shall have been filed, stating in the English language:

I. The name of the corporation, which shall not be the same as nor similar to any other domestic or foreign corporation admitted to do business in this state, and shall be such as to indicate that it is a corporation as distinguished from a natural person or partnership.<sup>1</sup>

II. The purpose or purposes for which it is to be formed.<sup>2</sup>

III. The amount of capital stock, which shall not be less than \$2000 nor more than \$25,000,000, fifty per cent of which must be subscribed before the filing of the certificate, and what proportion, if any, is preferred stock.<sup>3</sup>

IV. The number of shares of which the capital stock shall consist, each of which shall not be less than \$10 nor more than \$100.<sup>4</sup>

V. The location of its principal business office, which shall be within this state.<sup>5</sup>

VI. The period of duration, if limited.<sup>6</sup>

VII. The number of its directors, which shall not be less than three nor more than thirteen, with the names and post-office addresses of those elected to serve for the first year, or until their successors are elected.<sup>7</sup>

VIII. The names and postoffice addresses of the subscribers of the certificate and a statement of the number of shares of stock which each agrees to take in the corporation.<sup>8</sup>

The certificate may contain any other provision for the regulation of the business and conduct of the affairs of the corporation, and any limitation upon its powers, and upon the powers of its directors and stockholders which does not exempt them from an obligation nor from the performance of any duty imposed by law, nor provide for the holding of stock in other corporations.

NOTE.—There is little variance between the requirements of the laws of the different states as to the filing and contents of the certificate.

In twenty-nine states, the state officials have statutory authority to issue certificates of due incorporation, which is practically a final adjudication against all except the state that the corporation has a legal existence (Frost, §6).

The general rule is that corporate existence dates from the time of filing the articles with the proper officials, and not from the time when it begins to do business. The rule is practically universal that payment of organization taxes is a condition precedent to corporate existence. (*Borough of Braddock vs. Co.*, 189 Pa. St. 379; *Afferton vs. Co.*, 67 Ind. 334.)

Ten states require publication of the articles, on the theory that publicity should be given to the organization of such enterprises.

If any of the matters required to be stated are omitted, the instrument is fatally defective. (*Williams vs. Hewitt*, 47 La. An. 1076.)

1. In nine states, the corporate name must end with the word "corporation," or "company," or something similar. States forbidding the use of the name of a foreign corporation lawfully doing

business in the state are Connecticut, Delaware, Kentucky, Massachusetts, New York, Utah, Virginia and West Virginia. In the absence of such a provision, there is no restriction on using the name of a foreign corporation. (*Lehigh Valley Coal Co. vs. Hamblen*, 23 Fed. 225; *Goodyear Co. vs. Goodyear Rubber Co.*, 128 U. S. 598; *People vs. Home Life Assurance Co.*, 111 Mich. 405.)

The same reason applies to both foreign and domestic corporations, especially under this act.

The Secretary of State must decide in the first instance whether the proposed name is, or is not within the statutory prohibition. (*State vs. McGrath*, 5 S. W. 29.)

2. This must be done with reasonable definiteness. (*Frost*, §4.) The burden of showing that the purpose is an authorized one is on the corporation. (*Indiana Bond. Co. vs. Ogle*, 22 Ind. App. 593.)

3. Fifteen states, territories and federal districts provide for a minimum amount of capital with which the corporation can commence business, but not more than three limit the maximum. Generally, also, some provision is made for the amount which must have been either subscribed or paid in before the filing of the certificate or the commencement of business.

It is fully realized that a general limitation upon the maximum capital of corporations will introduce a new era in the history of corporation law.

In fully one-half of the states, territories and federal districts, preferred stock is expressly authorized by statute. In most of the other states, the creation of such stock is recognized without question as one of the powers of the corporation. (*Frost*, §26.)

4. All but two states, New Hampshire and Tennessee, require a statement of the number and par value of the shares. In thirty-six states and territories the par value may be any amount.

5. The domicile of the corporation is in the state of its origin. (*Amer. Sug. Ref. Co. vs. Johnson*, 60 Fed. 503; *Chaffee vs. 4th. Nat. Bk.*, 71 Me., 514.) Its residence is in the county where its principal office is located. (*McSherry vs. Company*, 97 Cal. 637.) The location stated in the certificate is conclusive as against the corporation. (*People ex rel Knickerbocker Press vs. Barker*, 87 Hun. N. Y. 341.) The location may be changed at any time. (See *infra*, §6.)

6. In twenty-seven states, perpetual existence is permitted, and in eighteen where the duration is limited, there are provisions for extension. Colorado, Illinois, Louisiana, Maryland, Texas, Utah, Washington and Wyoming, are the states not permitting either. The principal reason for requiring a limitation and permitting an extension appears to be taxation. All but thirteen states require that the duration be stated in the articles.

7. More than half of the jurisdictions require the insertion of the names and addresses of the first board of directors, while the other states require merely that the number of directors be stated.

8. This section is meant to be a requirement that the incorporators shall be stockholders. This seems to be the rule generally, though it is apparently otherwise in Oregon, Pennsylvania, South Dakota and Tennessee. (Coyote G. & Sm. Co. *vs.* Ruble, 8 Ore. 284; Densmore Oil Co. *vs.* Densmore, 64 Pa. St. 43; Singer Mfg. Co. *vs.* Peck, 9 S. D. 29; Bristol Trust Co. *vs.* Jonesboro, etc., Trust Co., 101 Tenn. 545.) Nineteen states require an affidavit to this statement.

The statutes of fourteen states contain a provision similar to the last one here provided for the regulation of the internal affairs of the corporation. This does not contain the words "creating and defining" as well as "limitation upon its powers" which are in the New Jersey statute, and are construed there to make the certificate of incorporation the equivalent of a special act of the legislature. (Ellerman *vs.* Chicago Junc. Ry., etc. Co., 49 N. J. Eq. 217; Dill on New Jersey Corporations, p. 21.)

The section as worded here is not intended to allow the insertion of any powers broader than those expressed in this act.

Where there is no statutory prohibition against the holding of stock in other corporations, and the state officials allow the insertion of a provision allowing such a power, it is valid. (Frost, §19.) This power is denied by statute in Alaska, District of Columbia and Georgia, and limited in Illinois, Indiana and Ohio.

**SEC. 3. *Subscriptions Paid in Property.***—Where subscriptions to the capital stock of a corporation organized under this act shall consist in whole or in part of property, there must appear in the article of incorporation a description thereof, together with a statement of its fair cash value, as appraised by the directors, supplemented by affidavits of at least three disinterested persons, that they are acquainted with the said property, and that it is reasonably worth the amount in cash for which the corporation has accepted it. Stock so issued shall, in the absence of fraud, be full paid stock.

**NOTE.**—Forty states and territories allow the issue of stock for services or property. The character of the property, services, or labor must be strictly such as the corporation is authorized to acquire. (Kimball *vs.* Grate Co., 69 N. H. 485.) This section is designed to adopt what is known as the "good faith" rule of valuation. A good statement will be found in Kelley *vs.* Clark, 21 Mont. 291.

Another rule, which is found well stated in American Tube & Iron

Co., *vs.* Hays, 165 Pa. St. 489, takes into account the speculation value of a property, and is finding more favor with the courts, but allows too much leeway for escaping proper valuation.

The section as worded above does not allow the issue of stock for services.

SEC. 4. *Filing and Recording Fees.*—The following fees are payable to the Secretary of State at the time of filing the articles of association:

For filing the same.....	\$10.00
For recording the same, per folio.....	.15
For certified copy, per folio.....	.15
For attaching seal to certified copy.....	1.00

The county clerk's fees are:

For filing the certificate.....	.06
For recording the same, per folio.....	.10

SEC. 5. *Organization Tax.*—Every corporation incorporated under this act shall pay to the State Treasurer a tax of one-twentieth of one per cent upon the amount of capital stock which the corporation is authorized to have, and a like tax on any subsequent increase, which in no case shall be less than \$25.00.

NOTE.—All the states, territories and federal districts, excepting Arkansas, District of Columbia, Georgia, Oklahoma and Louisiana, impose graduated organization taxes. There is no question as to the validity thereof. (*Ashley vs. Ryan*, 49 O. St. 504; 153 U. S. 436.)

SEC. 6. *Amendments of the Articles.*—Every corporation organized under this act, may, at a meeting of stockholders duly called for the purpose, by the vote of two-thirds of all its stock, amend its articles of incorporation in any manner conformable to the provisions of this act.

Provided, however, that the object of incorporation shall not be changed, and the capital stock shall not be increased to more than double the original amount, nor decreased to an amount less than the corporate indebtedness.

A certificate of amendment shall be filed in the same manner as the original certificate of incorporation.

NOTE.—In a majority of states, the power of amendment is broad, though it was jealously guarded in early times. The present atti-

SEC. 10. *Issue of Stock.*—The stock of every corporation organized under this act shall be represented by certificates, the form of which shall be determined by the directors, and signed by the President or Vice-President and one other officer, and sealed with the seal of the corporation, and shall be transferable as prescribed in the following section.

NOTE.—The relation of shareholders in a corporation is created by the subscription agreement, and it is not essential to such relation that a certificate of stock be actually issued. (*Beals vs. Buffalo Expanded Metal Constr. Co.*, 49 N. Y. App. Div. 589.)

By the common law, the certificate of stock was only evidence of the ownership of shares. (*Jellenik vs. Huron Copper Mining Co.*, 177 U. S. 1), but the proposed draft of the law of stock certificates aims to make the certificates to the fullest extent the representative of the shares. (See §11.)

SEC. 11. *How Title to Certificates and Shares may be Transferred.*—Title to a certificate, and to the shares represented thereby, can only be transferred:

(a) By delivery of the certificate if indorsed either in blank or to a specified person by the person appearing by the certificate to be the owner of the shares represented thereby.

(b) By delivery of the certificate and a separate document containing a written assignment of the certificate, or a power of attorney to sell, assign or transfer the same or the shares represented thereby, signed by the person appearing by the certificate to be the owner of the shares represented thereby. Such assignment or power of attorney may be either in blank or to a specified person.

The provisions of this section shall be applicable, although the charter or articles of incorporation or code of regulations or By-laws of the corporation issuing the certificate, and the certificate itself provide that the shares represented thereby shall be transferable only on the books of the corporation, or shall be registered by a registrar or transferred by a transfer agent.

NOTE.—The provisions of this section are in accordance with the existing law (see *Cook on Corporations*, Section 373, *et seq.*), except that the transfer of the certificate is here made to operate as a trans-



fer of the shares, whereas at common law it is the registry on the books of the company which makes the complete transfer. The reason for the change is in order that the certificate may, to the fullest extent possible, be the representative of the shares. This is the fundamental purpose of the whole act, and is in accordance with the mercantile usage. The transfer on the books of the corporation becomes thus like the record of a deed of real estate under a registry system.

This section and the above paragraph of this note is taken from the Law of Certificates of Stock.

There would seem to be no necessity for having such a section in the law in states where the proposed Law of Certificates of Stock is adopted.

As §3 of the Fourth Draft of the Law of Certificates of Stock provides, the corporation is protected in treating the person registered on its books as owner, as the owner in every way.

**SEC. 12. *Transfer of Stock by Stockholders Indebted to the Corporation.***—If a stockholder shall be indebted to the corporation, the directors may refuse to consent to the transfer of his stock until such indebtedness is paid, provided a copy of this section is written or printed upon the stock certificate.

**NOTE.**—In the absence of such a provision, the corporation has no lien which it can enforce, and no authority to make a By-law embodying a similar provision. (*Driscoll vs. West, etc., Co.*, 59 N. Y. 96.)

This accords with §15 of the proposed Law of Certificates of Stock.

**SEC. 13. *Provision for Payment or Forfeiture.***—Subscriptions to the capital stock of a corporation shall be paid at such times and in such installments as the By-laws may provide, unless otherwise provided by this act. If default shall be made in the payment of any installment as thereby required, the board of directors may declare the stock and all previous payments thereon forfeited for the use of the corporation, after the expiration of sixty days from the service on the defaulting stockholder, personally or by mail directed to him at his last known postoffice address, of a written notice requiring him to make payment within sixty days from the service of the notice, at a place specified therein, and stating that, in case of failure to do so, his stock and all previous payments thereon will be forfeited for the use of the corporation.

Such stock, if forfeited, may be reissued, or subscriptions therefor may be received, as in the case of stock not issued or subscribed for.

NOTE.—All the states, except Arizona, Iowa and Louisiana, have similar provisions.

When stock is declared forfeited, the liability of the holder thereof to the corporation for further payment thereon ceases. (*Mills vs. Stewart*, 41 N. Y. 384.)

The remedy by forfeiture is cumulative. (*B. & N. Y. C. R. R. Co. vs. Dudley*, 14, N. Y. 336.)

SEC. 14. *Organization Meeting*.—The first meeting of every corporation shall be called within the state by any two of the stockholders named in the articles of incorporation, upon not less than thirty days prior personal notice, as prescribed in the following section, to each of the incorporators.

Provided, however, that such meeting shall be held within two years after the filing of the articles of incorporation, or the corporation shall be *ipso facto* dissolved.

NOTE.—Incorporators' meetings are by the common law required to be held in the state of incorporation. (*Miller vs. Ewer*, 27 Me. 509; *Hilles vs. Parrish*, 14 N. J. Eq. 380.) The statutes of several states, among them, New Jersey, Maine, Massachusetts and Minnesota, contain provisions varying or enacting the common law on this point.

SEC. 15. *Stockholders' Meetings*.—Stockholders' meetings shall be held annually, within ninety days of the end of the fiscal year of the corporation, at the principal place of business of the corporation, and notice thereof must be delivered personally, or by depositing in the postoffice, properly addressed, to each stockholder at least thirty days before such meeting. And at least three days before such meeting, a complete list of the stockholders entitled to vote shall be opened to inspection at the place of such meeting. Notice of all other stockholders' meetings shall be given in like manner.

NOTE.—Alaska, Arizona, Delaware, Iowa, Minnesota, Nebraska and Utah require that the date of the annual meeting shall appear in the articles. The right to vote is determined by the transfer books.

SEC. 16. *Right to Vote*.—Each stockholder shall at every stockholders' meeting be entitled to one vote in person or by

proxy for each share of the capital stock held by him, and whenever more than one-fourth of said capital stock shall be owned or controlled by any one person, the stockholders shall have the right of cumulative voting in the elections of officers or directors.

Provided, however, that no stockholder shall be proxy for another, and no one person shall be proxy for more than one stockholder.

NOTE.—Voting by proxy was not allowed at common law, and it must be recognized by statute or in the By-laws to be available. (Harvey *vs.* Company, 118 N. C. 693; People *vs.* Crossley, 69 Ill. 195.)

The right to cumulative voting, affording the minority stockholders an opportunity for representation on the board of directors, is conferred by statute in twenty-five jurisdictions.

This section by implication forbids the voting of bondholders, which is permitted by the Virginia and Delaware statutes. (*Cf.* Durkee *vs.* People, 155 Ill. 354.)

SEC. 17. *Shares Held by the Corporation.*—Shares of the capital stock of the corporation belonging to the corporation shall not be voted upon either directly or indirectly.

NOTE.—Corporations have implied power to purchase their own stock, provided that it is done in good faith, and without prejudice to the rights of creditors. Eight states limit the power of purchase by statute. (*Cf.* Hall & Farley *vs.* Henderson, 126 Ala. 449; New Eng. Trust Co. *vs.* Abbott, 162 Mass. 143.)

SEC. 18. *Liability of Stockholders.*—Every holder of the capital stock of a corporation shall be personally liable to the creditors of the corporation to an amount equal to the amount unpaid on such stock, and at all times for any excess of debts over the amount of the paid-in capital stock, and such holder shall remain jointly and severally liable, as provided above, with the person to whom he transfers such stock, until the same is full paid. And all the stockholders shall be jointly and severally liable for all debts due and owing to laborers or servants or employees, other than contractors, provided written notice of intention to enforce such liability is given within thirty days after the termination of the services rendered.

NOTE.—The tendency of modern legislation is to do away with all burdensome restrictions and obligations upon stockholders. If the

section as to the amount of capital which must be paid in before the commencement of business is changed so as to require that all the authorized capital be paid in, a large part of this section will be unnecessary, unless it is desired to make the stockholders still further liable.

Stockholders were liable for unpaid subscriptions at common law, but the statutory liability varies. Four states make the original subscriber alone liable; six states make both the original subscriber and the transferee liable; four states make the original subscriber liable upon default of the transferee; eight states make stockholders liable for debts contracted while they remain such (which is the provision of the N. Y. statute, and must be rather difficult to apply in practice); twenty-six states discharge the transferor and make the transferee alone liable. Double liability now exists only in California and Minnesota. Ten states have provisions making the stockholders liable for the wages of employees.

The provision making the transferor liable is inserted to prevent transfers for the purpose of escaping liability.

SEC. 19. *Limitation*.—No action shall be brought against a stockholder for any debt of the corporation, until judgment has been recovered against the corporation, and an execution returned unsatisfied in whole or in part.

NOTE.—Failure to perform this condition precedent can be excused only in case of impossibility. (*United Glass Co. vs. Vary*, 152 N. Y. 121.)

SEC. 20. *Directors*.—The business of every corporation organized under this act shall be managed by a board of not less than three nor more than thirteen directors, each of whom shall own in his own right at least three shares of the capital stock, who shall be elected at the first stockholders' meeting, and at least one-fourth in number annually thereafter, and shall hold office until their successors are respectively chosen.

NOTE.—The number of directors may be changed within the limits indicated. (See §6.)

The election of a disqualified person to the office is ineffective. (In re Newcombe 42 N. Y. St. Rep. 442.) As soon as a director parts with all beneficial control over his stock and causes the corporate officers to have knowledge of the fact, he ceases to be a director. (*Chem. Nat. Bk. vs. Colwell*, 132 N. Y. 250.)

Classification of directors is permitted in seventeen states.

SEC. 21. *Officers.*—The directors may appoint from their number a President, and may also appoint a Secretary and a Treasurer and other officers, agents and employees, who shall, respectively, have such powers and perform such duties as may be prescribed in the By-laws, and may be removed at the pleasure of the directors.

NOTE.—There must be at least two officers. (See §10.) The President is the only one who must be chosen from among the directors, and consequently be a stockholder. If the Vice-President is empowered to act in place of the President, he also should be a stockholder.

SEC. 22. *Liability of Directors.*—If the indebtedness of any corporation organized under this act shall exceed the amount of its paid-in capital stock, or if stock or bonds be issued for property at more than cash value, or if any dividends or other distribution of the assets be made other than from net profits, or if a reduction of capital be made under the guise of a loan to stockholders, or if any report or statement or public notice shall not be made as required by law, or, if made, shall be false in any material representation, the directors of such corporation assenting thereto shall be jointly and severally liable to the creditors of the corporation for any loss or damage arising therefrom, and in the case of reports, statements and public notices required by law, the officers shall be jointly and severally liable with the directors, as provided above.

NOTE.—In twenty-two commonwealths the amount of indebtedness of the corporation is actually or impliedly limited.

SEC. 23. *By-Laws.*—The stockholders of any corporation formed under this act shall have power to make such By-laws as they deem proper for the management of the affairs of the company, not inconsistent with the provisions of this act, or of other existing laws.

SEC. 24. *Corporate Records.—Books.*—Every corporation organized under this act shall, under penalty of \$50, recoverable by an aggrieved creditor or stockholder, for every day it shall neglect or refuse so to do, keep at its office within the state correct books of account of all its business transactions, and

also a stock book which shall be open daily at least three hours for inspection, containing an alphabetical list of the stockholders of the corporation, showing their places of residence and the number of shares held by them respectively, and when they respectively became the owners thereof, and the amount paid thereon.

NOTE.—The common law rights of stockholders to an inspection of books is left unimpaired. (Matter of Steinway, 159 N. Y. 250.) There are similar statutes in all but five states.

SEC. 25. *Semi-Annual Reports*.—Every corporation authorized under this act to do business in this state shall, semi-annually, during the months of January and July, file with the Secretary of State and publish a report made and verified by the President, or Treasurer, which shall state:

I. The amount of its capital stock and the proportion actually issued.

II. The amount of its debts.

III. The amount of its assets.

IV. The names and addresses of all the directors and officers of the company, and in the case of a foreign corporation, the name also of the person designated as the person upon whom process against the corporation may be served within the state.

If any report be not made and filed as prescribed in the preceding section, such officer who shall thereafter neglect or refuse to make and file such report, within ten days after a written request so to do shall have been made by a creditor or a stockholder of the corporation, shall be under penalty of fifty dollars, recoverable by such aggrieved creditor or stockholder, for every day he shall so neglect or refuse.

NOTE.—In thirty-three states annual reports are required from domestic corporations. As this act is designed to put all corporations doing business in the state on an equal footing, they are all to be treated alike, whether domestic or foreign. This section calls not merely for filing but for publicity.

SEC. 26. *Foreign Corporations; Privilege of Doing Business*.—Any corporation formed in any state or territory of the United States, under this business corporation law shall be entitled, upon

filing with the Secretary of State and with the County Clerk of the county where its principal place of business within the state is located, a certified copy of its certificate of incorporation, a copy of its By-laws, the appointment of an agent upon whom service of process may be made, together with the designation of a place of business within this state where such agent may be found, and upon the payment of all taxes required by law, to a certificate authorizing it to exercise the same powers, rights and privileges as are accorded to domestic corporations.

Provided, however, that no such authority shall be granted to any foreign corporation having the same name, or one so nearly resembling it as to be calculated to deceive, as that of any corporation already authorized to do business within this state.

SEC. 27. *Foreign Corporations not Organized Under this Act.*—Any corporation formed in any state or territory or federal district of the United States for the purpose of carrying on a business authorized by this act, under any statute other than this business corporation law, shall not be entitled to do business in this state.

NOTE.—This is a necessarily drastic provision. Nothing less severe seems practical.

SEC. 28. *Penalty.*—Any foreign corporation, or the agent of any foreign corporation, that shall transact any business within the limits of this state without first having complied with the provisions of this act contained in the preceding sections, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$100 nor more than \$500 for each and every offense, and no such foreign corporation shall maintain any action in the courts of this state.

- NOTE.—The provision as to the bringing of actions applies to the assignee of the corporations (*Kinney vs. Reid Ice Cream Co.*, 57 N. Y. App. Div. 206), but not to causes of action assigned to the corporation. (*O'Reilly, Skelly & Fogarty Co. vs. Greene*, 18 N. Y. Misc. 423; *Cf. generally, Frost*, §129, on the subject of what constitutes doing business in the state.)

SEC. 29. *Legislative Investigation.*—The affairs and conditions of any corporations in this state may at all times be examined

by any committee appointed by either branch of the legislature, and for that purpose all necessary oaths may be administered to the directors, officers and stockholders of such corporation, and they may be examined on oath in relation to the affairs and conditions thereof; and such committee may examine the safes, books, papers and documents belonging to such corporation, or pertaining to its affairs and conditions, and compel the production of all keys, books, papers and documents by summary process, to be issued on application to any judge of the Supreme Court, under such rules and regulations as the court may prescribe.

NOTE.—The statutes of seven states contain similar provisions. This is taken from the South Dakota statute.

Such inquiry has been held not to constitute a judicial act, and is therefore constitutional. (*Lothrop vs. Stedman*, 42 Conn. 583.)

SEC. 30. *Voluntary Dissolution*.—A corporation which desires to close its affairs may, unless otherwise provided in the certificate of incorporation, by the vote of two-thirds of all its stock and a majority of its directors, authorize a petition for its dissolution, to be filed in the Supreme Court, setting forth in substance the grounds of the application, and the court, after notice to parties interested and a hearing, may decree a dissolution of the corporation.

NOTE.—This follows the view that the charter is in one sense a contract between the incorporators and the state, and that the latter should therefore have a hand in its extinction.

SEC. 31. *Involuntary Dissolution*.—In either of the following cases, an action to procure a judgment dissolving a corporation created by or under the laws of the state, and forfeiting its corporate rights and franchises, or its license to do business within the state, if it be a foreign corporation, may be maintained by the Attorney-General in the name and in behalf of the people, or by a creditor or stockholder upon proof to the court that the Attorney-General omits for sixty days after the submission of a verified statement of facts to maintain such an action:



1. Where the corporation has remained insolvent, evidenced by a return of no property found on execution, for at least one year.

2. Where it has neglected or refused for at least one year to pay and discharge its notes or other evidences of debt.

3. Where it has suspended its ordinary and lawful business for at least one year.

4. Where it is a party to an illegal combination in restraint of trade.

5. Where penalty is dissolution.

NOTE.—Courts of equity have no inherent jurisdiction in the absence of statute conferring the same, to decree a dissolution of a corporation or declare a forfeiture of its charter on any grounds. (*Deneke vs. Co.*, 80 N. Y. 599.)

The principal grounds under the statutes upon which charters will be forfeited are:

1. Non-user of corporate franchises.

(a) Failure to organize within the time limited.

(b) Failure to carry on business.

(c) Failure to elect officers. •

(d) Failure to maintain domiciliary office.

(e) Failure to commence business within the time limited.

2. For misuse or abuse of corporate powers. There must be an abuse of trust. (*People vs. Co.*, 121 N. Y. 582.)

3. Non-performance of conditions precedent.

4. Non-performance of conditions subsequent.

5. Violation of express statute (anti-trust).

6. Non-payment of taxes.

7. Insolvency.

SEC. 32. *Effect of Dissolution.*—A corporation so dissolved shall be held to be extinct in all respects as if its corporate existence had expired by the limitation of its charter. Every corporation whose charter expires by its own limitation or is annulled by forfeiture or otherwise, or whose corporate existence for other purposes is terminated in any other manner, shall nevertheless be continued as a body corporate for three years after the time when it would have been so dissolved, for the purposes of prosecuting and defending suits by or against it, and of enabling it gradually to settle and close its affairs, to dispose of

and convey its property, and to divide its capital stock, but not for the purpose of continuing the business for which it was established.

**SEC. 33. *Interpretation Shall Give Effect to Purpose of Uniformity.***—This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

**NOTE.**—This section accords with the Sales, the Warehouse Receipts Act and the Law of Certificates of Stock, in order to induce courts, so far as possible, to consider the object of uniformity.

**SEC. 34. *Rule for Cases not Provided for by this Act.***—In any case not provided for in this act, the rules of law and equity, including the law merchant, and in particular the rules relating to the law of principal and agent, and to the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy, or other invalidating cause, shall govern.

**NOTE.**—A similar provision is commonly inserted when an attempt is made to reduce to statute form a topic of the law, as in the Negotiable Instruments Law, the Sale of Goods Act, the Warehouse Receipts Act and the Law of Certificates of Stock.

**SEC. 35. *Definitions.***—In this act, unless the contrary intentions appear, the “capital stock” of a corporation is the aggregate amount of the funds to be combined for the doing of business under its charter.

The expression “cumulative voting” means that method of voting which allows each stockholder as many votes for directors as equal the number of shares he owns multiplied by the number of directors to be elected.

A “creditor” of a corporation is one who has a right by law to demand either presently, or upon some future contingency, the fulfillment of any obligation or contract.

A “domestic corporation” is one formed under the laws of this state, or one formed under the laws of the United States and located in this state. Every other corporation is a “foreign corporation.”

The “fair cash value” of property is such a price as honest

and impartial men naturally and reasonably will pay at the given time for the property in question.

An "incorporator" is one of the subscribers of the articles of association and capital stock.

A "share of stock" is the right which the owner has in the management, profits and ultimate assets of the corporation.

A "stockholder" is the owner of a share or shares of the capital stock.

The expression "transact any business within the limits of this state" includes every transaction in this state by the agents of a corporation which does not involve interstate commerce.

SEC. 36. *Inconsistent Legislation Repealed.*—All acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 37. *Time When Act Takes Effect.*—This act shall come into operation on the ..... day of ....., one thousand nine hundred and .....

Sec. 38. *Name of Act.*—This act may be cited as the Business Corporation Act.

**"There is certainly, without any exception, no profession in which so many temptations beset the path to swerve from the line of strict integrity, in which so many delicate and difficult questions of duty are continually arising. There are pitfalls and mantraps at every step, and the mere youth, at the very outset of his career, needs often the prudence and self-denial as well as the moral courage, which belong commonly to riper years. High moral principle is the only safe guide, the only torch to light his way amidst darkness and obstruction."—GEORGE SHARSWOOD.**

**"Craft is the vice, not the spirit, of the profession. Trick is professional prostitution. Falsehood is professional apostasy. The strength of a lawyer is in thorough knowledge of legal truth, in thorough devotion to legal right. Truth and integrity can do more in the profession than the subtlest and wiliest devices. The power of integrity is the rule; the power of fraud is the exception. Emulation and zeal lead lawyers astray; but the general law of the profession is duty, not success. In it, as elsewhere, in human life, the judgment of success is but the verdict of little minds. Professional duty, faithfully and well performed, is the lawyer's glory. This is equally true of the Bench and of the Bar."—EDWARD G. RYAN.**

**"Discourage litigation. Persuade your neighbors to compromise whenever you can. Point out to them how the nominal winner is often a real loser—in fees, expenses and waste of time. As a peacemaker, the lawyer has a superior opportunity of being a good man. Never stir up litigation. A worse man can scarcely be found than one who does this. Who can be more nearly a fiend than he who habitually overhauls the register of deeds in search of defects in titles, whereupon to stir up strife and put money in his pocket? A moral tone ought to be enforced in the profession which would drive such men out of it."—ABRAHAM LINCOLN.**

## CANONS OF ETHICS

[NOTE.—The following Canons of Professional Ethics were adopted by the American Bar Association at its thirty-first annual meeting at Seattle, Washington, on August 27, 1908, and they are reproduced in the present Volume pursuant to the resolution of the Association that they be printed annually in the Association's reports. See A. B. A. Reports, Vol. XXXIII, pages 86 and 572.]

The Canons were prepared by a committee composed of

Henry St. George Tucker, Virginia, Chairman.

Lucien Hugh Alexander, Pennsylvania, Secretary.

David J. Brewer, District of Columbia.

Frederick V. Brown, Minnesota.

J. M. Dickinson, Illinois.

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William Wirt Howe, Louisiana.

Thomas H. Hubbard, New York.

James G. Jenkins, Wisconsin.

Thomas Goode Jones, Alabama.

Alton B. Parker, New York.

George R. Peck, Illinois.

Francis Lynde Stetson, New York.

Ezra R. Thayer, Massachusetts.]

### I

#### PREAMBLE

In America, where the stability of Courts and of all departments of government rests upon the approval of the people, it is peculiarly essential that the system for establishing and dispensing Justice be developed to a high point of efficiency and so maintained that the public shall have absolute confidence in the integrity and impartiality of its administration. The future of the Republic, to a great extent, depends upon our maintenance of Justice pure and unsullied. It cannot be so

maintained unless the conduct and the motives of the members of our profession are such as to merit the approval of all just men.

## II

### THE CANONS OF ETHICS\*

No code or set of rules can be framed, which will particularize all the duties of the lawyer in the varying phases of litigation or in all the relations of professional life. The following canons of ethics are adopted by the American Bar Association as a general guide, yet the enumeration of particular duties should not be construed as a denial of the existence of others equally imperative, though not specifically mentioned:

**1. The Duty of the Lawyer to the Courts.** It is the duty of the lawyer to maintain towards the Courts a respectful attitude, not for the sake of the temporary incumbent of the judicial office, but for the maintenance of its supreme importance. Judges, not being wholly free to defend themselves, are peculiarly entitled to receive the support of the Bar against unjust criticism and clamor. Whenever there is proper ground for serious complaint of a judicial officer, it is the right and duty of the lawyer to submit his grievances to the proper authorities. In such cases, but not otherwise, such charges should be encouraged and the person making them should be protected.

**2. The Selection of Judges.** It is the duty of the Bar to endeavor to prevent political considerations from outweighing judicial fitness in the selection of Judges. It should protest earnestly and actively against the appointment or election of those who are unsuitable for the Bench; and it should strive to have elevated thereto only those willing to forego other employments, whether of a business, political or other character, which may embarrass their free and fair consideration of questions before them for decision. The aspiration of lawyers for judicial position should be governed by an impartial estimate of their ability to add honor to the office and not by a desire for the distinction the position may bring to themselves.

**3. Attempts to Exert Personal Influence on the Court.** Marked attention and unusual hospitality on the part of a lawyer

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\* For Index and Synopsis of Canons, see p. 1171 *infra*.

to a Judge, uncalled for by the personal relations of the parties, subject both the Judge and the lawyer to misconstructions of motive and should be avoided. A lawyer should not communicate or argue privately with the Judge as to the merits of a pending cause, and he deserves rebuke and denunciation for any device or attempt to gain from a Judge special personal consideration or favor. A self-respecting independence in the discharge of professional duty, without denial or diminution of the courtesy and respect due the Judge's station, is the only proper foundation for cordial personal and official relations between Bench and Bar.

**4. When Counsel for an Indigent Prisoner.** A lawyer assigned as counsel for an indigent prisoner ought not to ask to be excused for any trivial reason, and should always exert his best efforts in his behalf.

**5. The Defense or Prosecution of Those Accused of Crime.** It is the right of the lawyer to undertake the defense of a person accused of crime, regardless of his personal opinion as to the guilt of the accused; otherwise innocent persons, victims only of suspicious circumstances, might be denied proper defense. Having undertaken such defense, the lawyer is bound by all fair and honorable means, to present every defense that the law of the land permits, to the end that no person may be deprived of life or liberty, but by due process of law.

The primary duty of a lawyer engaged in public prosecution is not to convict, but to see that justice is done. The suppression of facts or the secreting of witnesses capable of establishing the innocence of the accused is highly reprehensible.

**6. Adverse Influences and Conflicting Interests.** It is the duty of a lawyer at the time of retainer to disclose to the client all the circumstances of his relations to the parties, and any interest in or connection with the controversy, which might influence the client in the selection of counsel.

It is unprofessional to represent conflicting interests, except by express consent of all concerned given after a full disclosure of the facts. Within the meaning of this canon, a lawyer represents conflicting interests when, in behalf of one client, it is his duty to contend for that which duty to another client requires him to oppose.

The obligation to represent the client with undivided fidelity and not to divulge his secrets or confidences forbids also the subsequent acceptance of retainers or employment from others in matters adversely affecting any interest of the client with respect to which confidence has been reposed.

**7. Professional Colleagues and Conflicts of Opinion.** A client's proffer of assistance of additional counsel should not be regarded as evidence of want of confidence, but the matter should be left to the determination of the client. A lawyer should decline association as colleague if it is objectionable to the original counsel, but if the lawyer first retained is relieved, another may come into the case.

When lawyers jointly associated in a cause cannot agree as to any matter vital to the interest of the client, the conflict of opinion should be frankly stated to him for his final determination. His decision should be accepted unless the nature of the difference makes it impracticable for the lawyer whose judgment has been overruled to co-operate effectively. In this event it is his duty to ask the client to relieve him.

Efforts, direct or indirect, in any way to encroach upon the business of another lawyer, are unworthy of those who should be brethren at the Bar; but, nevertheless, it is the right of any lawyer, without fear or favor, to give proper advice to those seeking relief against unfaithful or neglectful counsel, generally after communication with the lawyer of whom the complaint is made.

**8. Advising Upon the Merits of a Client's Cause.** A lawyer should endeavor to obtain full knowledge of his client's cause before advising thereon, and he is bound to give a candid opinion of the merits and probable result of pending or contemplated litigation. The miscarriages to which justice is subject, by reason of surprises and disappointments in evidence and witnesses, and through mistakes of juries and errors of Courts, even though only occasional, admonish lawyers to beware of bold and confident assurances to clients, especially where the employment may depend upon such assurance. Whenever the controversy will admit of fair adjustment, the client should be advised to avoid or to end the litigation.

**9. Negotiations With Opposite Party.** A lawyer should not in any way communicate upon the subject of controversy with a party represented by counsel; much less should he undertake to negotiate or compromise the matter with him, but should deal only with his counsel. It is incumbent upon the lawyer most particularly to avoid everything that may tend to mislead a party not represented by counsel, and he should not undertake to advise him as to the law.

**10. Acquiring Interest in Litigation.** The lawyer should not purchase any interest in the subject matter of the litigation which he is conducting.



**11. Dealing With Trust Property.** Money of the client or other trust property coming into the possession of the lawyer should be reported promptly, and except, with the client's knowledge and consent should not be commingled with his private property or be used by him.

**12. Fixing the Amount of the Fee.** In fixing fees, lawyers should avoid charges which overestimate their advice and services, as well as those which undervalue them. A client's ability to pay cannot justify a charge in excess of the value of the service, though his poverty may require a less charge, or even none at all. The reasonable requests of brother lawyers, and of their widows and orphans without ample means, should receive special and kindly consideration.

In determining the amount of the fee, it is proper to consider: (1) the time and labor required, the novelty and difficulty of the questions involved and the skill requisite properly to conduct the cause; (2) whether the acceptance of employment in the particular case will preclude the lawyer's appearance for others in cases likely to arise out of the transaction, and in which there is a reasonable expectation that otherwise he would be employed, or will involve the loss of other business while employed in the particular case or antagonisms with other clients; (3) the customary charges of the Bar for similar services; (4) the amount involved in the controversy and the benefits resulting to the client from the services; (5) the contingency or the certainty of the compensation; and (6) the character of the employment, whether casual or for an established and constant client. No one of these considerations in itself is controlling. They are mere guides in ascertaining the real value of the service.

In fixing fees it should never be forgotten that the profession is a branch of the administration of justice and not a mere money-getting trade.

**13. Contingent Fees.** Contingent fees, where sanctioned by law, should be under the supervision of the Court, in order that clients may be protected from unjust charges.

**14. Suing a Client for a Fee.** Controversies with clients concerning compensation are to be avoided by the lawyer so far as shall be compatible with his self-respect and with his right to receive reasonable recompense for his services; and lawsuits with clients should be resorted to only to prevent injustice, imposition or fraud.

**15. How Far a Lawyer May Go in Supporting a Client's Cause.** Nothing operates more certainly to create or to foster popular prejudice against lawyers as a class, and to deprive the profession of that full measure of public esteem and confidence which belongs to the proper discharge of its duties than does the false claim, often set up by the unscrupulous in defense of questionable transactions, that it is the duty of the lawyer to do whatever may enable him to succeed in winning his client's cause.

It is improper for a lawyer to assert in argument his personal belief in his client's innocence or in the justice of his cause.

The lawyer owes "entire devotion to the interest of the client, warm zeal in the maintenance and defense of his rights and the exertion of his utmost learning and ability," to the end that nothing be taken or be withheld from him, save by the rules of law, legally applied. No fear of judicial disfavor or public unpopularity should restrain him from the full discharge of his duty. In the judicial forum the client is entitled to the benefit of any and every remedy and defense that is authorized by the law of the land, and he may expect his lawyer to assert every such remedy or defense. But it is steadfastly to be borne in mind that the great trust of the lawyer is to be performed within and not without the bounds of the law. The office of attorney does not permit, much less does it demand of him for any client, violation of law or any manner of fraud or chicane. He must obey his own conscience and not that of his client.

**16. Restraining Clients from Improprieties.** A lawyer should use his best efforts to restrain and to prevent his clients from doing those things which the lawyer himself ought not to do, particularly with reference to their conduct towards Courts, judicial officers, jurors, witnesses and suitors. If a client persists in such wrong-doing the lawyer should terminate their relation.

**17. Ill Feeling and Personalities Between Advocates.** Clients, not lawyers, are the litigants. Whatever may be the ill-feeling existing between clients, it should not be allowed to influence counsel in their conduct and demeanor toward each other or toward suitors in the case. All personalities between counsel should be scrupulously avoided. In the trial of a cause it is indecent to allude to the personal history or the personal peculiarities and idiosyncrasies of counsel on the other side. Personal colloquies between counsel which cause delay and promote unseemly wrangling should also be carefully avoided.

**18. Treatment of Witnesses and Litigants.** A lawyer should always treat adverse witnesses and suitors with fairness and due consideration, and he should never minister to the malevolence or prejudices of a client in the trial or conduct of a cause. The client cannot be made the keeper of the lawyer's conscience in professional matters. He has no right to demand that his counsel shall abuse the opposite party or indulge in offensive personalities. Improper speech is not excusable on the ground that it is what the client would say if speaking in his own behalf.

**19. Appearance of Lawyer as Witness for His Client.** When a lawyer is a witness for his client, except as to merely formal matters, such as the attestation or custody of an instrument and the like, he should leave the trial of the case to other counsel. Except when essential to the ends of justice, a lawyer should avoid testifying in Court in behalf of his client.

**20. Newspaper Discussion of Pending Litigation.** Newspaper publications by a lawyer as to pending or anticipated litigation may interfere with a fair trial in the Courts and otherwise prejudice the due administration of justice. Generally they are to be condemned. If the extreme circumstances of a particular case justify a statement to the public, it is unprofessional to make it anonymously. An *ex parte* reference to the facts should not go beyond quotation from the records and papers on file in the Court; but even in extreme cases it is better to avoid any *ex parte* statement.

**21. Punctuality and Expedition.** It is the duty of the lawyer not only to his client, but also to the Courts and to the public to be punctual in attendance, and to be concise and direct in the trial and disposition of causes.

**22. Candor and Fairness.** The conduct of the lawyer before the Court and with other lawyers should be characterized by candor and fairness.

It is not candid or fair for the lawyer knowingly to misquote the contents of a paper, the testimony of a witness, the language or the argument of opposing counsel, or the language of a decision or a text-book; or with knowledge of its invalidity, to cite as authority a decision that has been overruled, or a statute that has been repealed; or in argument to assert as a fact that which has not been proved, or in those jurisdictions where a side has the opening and closing arguments to mislead his opponent by concealing or withholding positions in his opening argument upon which his side then intends to rely.

It is unprofessional and dishonorable to deal other than candidly

with the facts in taking the statements of witnesses, in drawing affidavits and other documents, and in the presentation of causes.

A lawyer should not offer evidence, which he knows the Court should reject, in order to get the same before the jury by argument for its admissibility, nor should he address to the Judge arguments upon any point not properly calling for determination by him. Neither should he introduce into an argument, addressed to the Court, remarks or statements intended to influence the jury or bystanders.

These and all kindred practices are unprofessional and unworthy of an officer of the law charged, as is the lawyer, with the duty of aiding in the administration of justice.

**23. Attitude Toward Jury.** All attempts to curry favor with juries by fawning, flattery or pretended solicitude for their personal comfort are unprofessional. Suggestions of counsel, looking to the comfort or convenience of jurors, and propositions to dispense with argument, should be made to the Court out of the jury's hearing. A lawyer must never converse privately with jurors about the case; and both before and during the trial he should avoid communicating with them, even as to matters foreign to the cause.

**24. Right of Lawyer to Control the Incidents of the Trial.** As to incidental matters pending the trial, not affecting the merits of the cause, or working substantial prejudice to the rights of the client, such as forcing the opposite lawyer to trial when he is under affliction or bereavement; forcing the trial on a particular day to the injury of the opposite lawyer when no harm will result from a trial at a different time; agreeing to an extension of time for signing a bill of exceptions, cross interrogatories and the like, the lawyer must be allowed to judge. In such matters no client has a right to demand that his counsel shall be illiberal, or that he do anything therein repugnant to his own sense of honor and propriety.

**25. Taking Technical Advantage of Opposite Counsel; Agreements With Him.** A lawyer should not ignore known customs or practice of the Bar or of a particular Court, even when the law permits, without giving timely notice to the opposing counsel. As far as possible, important agreements, affecting the rights of clients, should be reduced to writing; but it is dishonorable to avoid performance of an agreement fairly made because it is not reduced to writing, as required by rules of Court.

**26. Professional Advocacy Other Than Before Courts.** A lawyer openly, and in his true character may render professional services before legislative or other bodies, regarding proposed legislation and in advocacy of claims before departments of government,

upon the same principles of ethics which justify his appearance before the Courts; but it is unprofessional for a lawyer so engaged to conceal his attorneyship, or to employ secret personal solicitations, or to use means other than those addressed to the reason and understanding to influence action.

**27. Advertising, Direct or Indirect.** The most worthy and effective advertisement possible, even for a young lawyer, and especially with his brother lawyers, is the establishment of a well-merited reputation for professional capacity and fidelity to trust. This cannot be forced, but must be the outcome of character and conduct. The publication or circulation of ordinary simple business cards, being a matter of personal taste or local custom, and sometimes of convenience, is not *per se* improper. But solicitation of business by circulars or advertisements, or by personal communications or interviews, not warranted by personal relations, is unprofessional. It is equally unprofessional to procure business by indirection through touters of any kind, whether allied real estate firms or trust companies advertising to secure the drawing of deeds or wills or offering retainers in exchange for executorships or trusteeships to be influenced by the lawyer. Indirect advertisement for business by furnishing or inspiring newspaper comments concerning causes in which the lawyer has been or is engaged, or concerning the manner of their conduct, the magnitude of the interests involved, the importance of the lawyer's positions, and all other like self-laudation, defy the traditions and lower the tone of our high calling, and are intolerable.

**28. Stirring up Litigation, Directly or Through Agents.** It is unprofessional for a lawyer to volunteer advice to bring a lawsuit, except in rare cases where ties of blood, relationship or trust make it his duty to do so. Stirring up strife and litigation is not only unprofessional, but it is indictable at common law. It is disreputable to hunt up defects in titles or other causes of action and inform thereof in order to be employed to bring suit, or to breed litigation by seeking out those with claims for personal injuries or those having any other grounds of action in order to secure them as clients, or to employ agents or runners for like purposes, or to pay or reward, directly or indirectly, those who bring or influence the bringing of such cases to his office, or to remunerate policemen, court or prison officials, physicians, hospital *attachés* or others who may succeed, under the guise of giving disinterested friendly advice, in influencing the criminal, the sick and the injured, the ignorant or others, to seek his professional services. A duty to the public and to the profession devolves upon every member of the Bar, having knowledge of such practices upon the part of any practitioner, immediately to inform thereof to the end that the offender may be disbarred.

**29. Upholding the Honor of the Profession.** Lawyers should expose without fear or favor before the proper tribunals corrupt or dishonest conduct in the profession, and should accept without hesitation employment against a member of the Bar who has wronged his client. The counsel upon the trial of a cause in which perjury has been committed owe it to the profession and to the public to bring the matter to the knowledge of the prosecuting authorities. The lawyer should aid in guarding the Bar against the admission to the profession of candidates unfit or unqualified because deficient in either moral character or education. He should strive at all times to uphold the honor and to maintain the dignity of the profession and to improve not only the law but the administration of justice.

**30. Justifiable and Unjustifiable Litigations.** The lawyer must decline to conduct a civil cause or to make a defense when convinced that it is intended merely to harass or to injure the opposite party or to work oppression or wrong. But otherwise it is his right, and, having accepted retainer, it becomes his duty to insist upon the judgment of the Court as to the legal merits of his client's claim. His appearance in Court should be deemed equivalent to an assertion on his honor that in his opinion his client's case is one proper for judicial determination.

**31. Responsibility for Litigation.** No lawyer is obliged to act either as adviser or advocate for every person who may wish to become his client. He has the right to decline employment. Every lawyer upon his own responsibility must decide what business he will accept as counsel, what causes he will bring into Court for plaintiffs, what cases he will contest in Court for defendants. The responsibility for advising questionable transactions, for bringing questionable suits, for urging questionable defenses, is the lawyer's responsibility. He cannot escape it by urging as an excuse that he is only following his client's instructions.

**32. The Lawyer's Duty in Its Last Analysis.** No client, corporate or individual, however powerful, nor any cause, civil or political, however important, is entitled to receive, nor should any lawyer render, any service or advice involving disloyalty to the law whose ministers we are, or disrespect of the judicial office, which we are bound to uphold, or corruption of any person or persons exercising a public office or private trust, or deception or betrayal of the public. When rendering any such improper service or advice, the lawyer invites and merits stern and just condemnation. Correspondingly, he advances the honor of his profession

and the best interests of his client when he renders service or gives advice tending to impress upon the client and his undertaking exact compliance with the strictest principles of moral law. He must also observe and advise his client to observe the statute law, though until a statute shall have been construed and interpreted by competent adjudication, he is free and is entitled to advise as to its validity and as to what he conscientiously believes to be its just meaning and extent. But above all a lawyer will find his highest honor in a deserved reputation for fidelity to private trust and to public duty, as an honest man and as a patriotic and loyal citizen.

### III

#### OATH OF ADMISSION

The general principles which should ever control the lawyer in the practice of his profession are clearly set forth in the following Oath of Admission to the Bar, formulated upon that in use in the State of Washington, and which conforms in its main outlines to the "duties" of lawyers as defined by statutory enactments in that and many other States of the Union\*—duties which they are sworn on admission to obey and for the wilful violation of which disbarment is provided:

#### I DO SOLEMNLY SWEAR:

I will support the Constitution of the United States and the Constitution of the State of .....;

I will maintain the respect due to Courts of Justice and judicial officers;

I will not counsel or maintain any suit or proceeding which shall appear to me to be unjust, nor any defense except such as I believe to be honestly debatable under the law of the land;

I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and

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\* Alabama, California, Georgia, Idaho, Indiana, Iowa, Minnesota, Mississippi, Nebraska, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington and Wisconsin. The oaths administered on admission to the Bar in all the other States require the observance of the highest moral principle in the practice of the profession, but the duties of the lawyer are not as specifically defined by law as in the States named.

honor, and will never seek to mislead the Judge or jury by any artifice or false statement of fact or law;

I will maintain the confidence and preserve inviolate the secrets of my client, and will accept no compensation in connection with his business except from him or with his knowledge and approval;

I will abstain from all offensive personality, and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged;

I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay any man's cause for lucre or malice. SO HELP ME GOD.

We commend this form of oath for adoption by the proper authorities in all the States and Territories.



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\* The *Arabic* numerals in the brackets immediately following the synoptic titles of the canons are cross-references to the compilation of canons as set forth in Appendix B of the 1907 report of the Association's Committee on Canons of Ethics (A. B. A. Reports XXXI, 681-684); the *Roman* numerals are cross-references to *Hoffman's Resolutions*, reprinted as Appendix H of the committee's 1907 report (*id.* 717-735).

## NOTICE AS TO REPORTS.

By order of the Executive Committee, the following prices have been fixed for the reports, which are about sufficient to pay the cost of printing and postage.

Vol. 1 (1878), postpaid, paper, 50 cents; cloth, 75 cents.

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